

Arbitration Between Peru and Chile

APPENDIX TO THE CASE OF PERU

In the matter of the controversy
arising out of the

QUESTION OF THE PACIFIC

Before the
President of the United States of America
Arbitrator



WASHINGTON
1923

APPENDIX
TO
THE CASE OF PERU

Arbitration Between Peru and Chile

APPENDIX TO THE CASE OF PERU

In the matter of the controversy
arising out of the

QUESTION OF THE PACIFIC

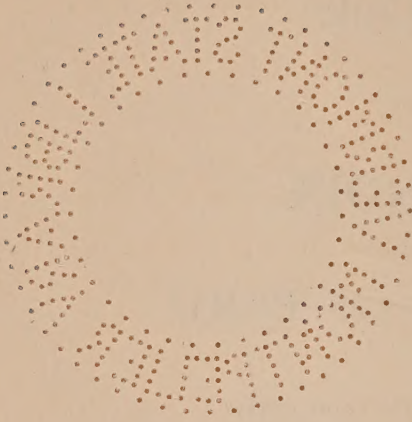
Before the
President of the United States of America
Arbitrator

Under the
Protocol and Supplementary Act between the Republic of Peru
and the Republic of Chile, signed July 20, 1922, at
Washington, D. C., ratified January 15, 1923



WASHINGTON

1923 ✓



NATIONAL CAPITAL PRESS, INC., WASHINGTON, D. C.

LIST OF EXHIBITS TO THE CASE OF PERU

	Page
1. Articles of the Chilean Constitutions bearing upon the boundary between Chile and Bolivia.	2
2. Treaty of 1866 between Chile and Bolivia.	3
3. Treaty of 1874 between Chile and Bolivia.	6
4. Note of April 21, 1870, from Sr. Mariano D. Muñoz, former Minister of Foreign Affairs of Bolivia, treating of the Chilean purposes of conquest.	9
5. Dispatch from Mr. Markbreit, American Minister to Bolivia, to the Secretary of State, January 31, 1872, relative to the fears entertained by Bolivia.	13
6. Notes exchanged in 1873, 1874 and 1875 between the Ministry of Foreign Affairs of Peru and its agents in the Argentine relative to the proposed Alliance.	15
7. Treaty of Alliance between Peru and Bolivia.	35
8. Statements respecting the knowledge possessed by Chile of the Treaty of Alliance.	38
9. Declaration of the historian, Ignacio Santa Maria, with regard to the Treaty of Alliance.	41
10. Communication from Sr. Daniel Ruzo, Peruvian Financial Agent in London, 1872, dealing with Chile's naval preparations.	44
11. Note from the Peruvian Minister in Bolivia to the Peruvian Minister of Foreign Affairs, in 1873, treating of Chilean policies.	46
12. Statement of Vicuña Mackenna relative to the cause of the war. . .	51
13. Opinion expressed by and contained in the Circular, issued by Sr. J. M. Balmaceda, Minister of Foreign Affairs of Chile, dated the 24th December, 1881, respecting the direct cause of the war.	53
14. Opinion of Sr. Francisco Valdez Vergara upon Chile's policy of conquest in relation to her financial and economic situation.	55
15. Military power of Chile, Peru and Bolivia.	57
16. Military condition of Peru upon the declaration of war.	61
17. Minister Christiancy's dispatch, dated May 12, 1879, bearing upon the financial situation in Peru and the inferiority of her fleet.	65
18. Communication from Colonel Jose Velasquez to Sr. J. Novoa, April 12, 1879, dealing with the superiority of the Chilean fleet. .	67
19. Instructions of the Peruvian Minister of Foreign Affairs to the Peruvian Minister at La Paz, dated February 4, 1879, instructing him to advise the Bolivian Government to submit the difference between Chile and Bolivia to arbitration.	69
20. Instructions of the Minister of Foreign Affairs of Peru to the Peruvian Minister in Chile, Sr. Lavalle, instructing him to propose to the Chilean Government an equitable composition of the difference between Chile and Bolivia, February 22, 1879.	72
21. Instructions of the Minister of Foreign Affairs of Peru to the Minister of Peru in Bolivia, dated February 12, 1879, relative to the tax on the exportation of nitrate.	75

	Page
22. Proof that in deference to her desire for peace, Peru, in 1875, gave up her intention of negotiating for the adhesion of the Argentine Republic to the Treaty of Alliance.....	78
23. Report of the Ministry of Foreign Affairs of Peru with regard to the declaration of war.....	86
24. Extracts from Minister Christiancy's dispatch of February 19, 1881, dealing with the cruel treatment meted out to the wounded.....	88
25. Last paragraph of Minister Christiancy's dispatch of March 9, 1881, dealing with the behaviour of the army of occupation.....	90
26. Last paragraph of Minister Christiancy's dispatch, dated March 21, 1882, dealing with Chile's intentions respecting the situation in Peru.....	92
27. Minister Christiancy's dispatch of March 16, 1882, dealing with the conduct of the Commanding Officers in occupation.....	93
28. Particulars respecting the Letelier Expedition.....	94
29. Account by a Chilean Officer respecting the methods employed by the Lynch Expedition.....	104
30. Report of Lieut. Stephan, dated July 8, 1882.....	109
31. Minister Christiancy's dispatch on the peace conditions presented during the conference on the U. S. S. <i>Lackawanna</i>	114
32. Protocol of the conferences on board the U. S. S. <i>Lackawanna</i>	115
33. Memorandum from Minister Hurlbut to Admiral Lynch, upon the peace conditions, August 25, 1881.....	142
34. Paragraph of Mr. Hurlbut's dispatch to Mr. Blaine, October 26, 1881, relative to the Peruvian proposals to pay a war indemnity.....	145
35. Minister Hurlbut's dispatch to Mr. Blaine, November 9, 1881, respecting the imprisonment of Sr. Garcia Calderon and the intentions of Chile.....	147
36. Mr. Morton's dispatch to Mr. Blaine, August 11, 1881, treating of the desire of the French Government to add its action to that of the United States for the purpose of securing peace.....	149
37. Mr. Blaine's reply to Mr. Morton, September 5, 1881.....	151
38. Mr. Morton's dispatch to Mr. Blaine, October 20, 1881.....	153
39. Telegram from Mr. Trescot to Mr. Frelinghuysen, January 23, 1882, upon the peace conditions demanded by Chile.....	155
40. Note from Mr. Frelinghuysen to Mr. Trescot, February 24, 1882...	156
41. Balmaceda-Trescot protocol, February 11, 1882, dealing with the peace conditions.....	160
42. Mr. Trescot's note to Minister Balmaceda, February 14, 1882, dealing with the peace conditions.....	163
43. Note from Minister Balmaceda to Mr. Trescot in reply to the preceding communication, February 24, 1882.....	164
44. Note from Mr. Logan to Minister Aldunate, October 18, 1882.....	166
45. <i>Treaty of Peace of Ancon</i>	171
46. Report made to the Chilean Congress by the Minister of Foreign Affairs, Sr. Luis Aldunate, on the signing of the treaty.....	177
47. Protest of the inhabitants of Tacna and Arica upon the occupation of Tacna and Arica, March 10, 1884.....	188
48. Statement by Sr. Luis Aldunate, Minister of Foreign Affairs of	

	Page
Chile, during the conference of December 7, 1883, with the Bolivian negotiators.....	192
49. Communication from Sr. Eugenio Larrabure y Unanue, revealing a conversation he had with Sr. Jovino Novoa.....	196
50. Opinion that Peru could contrive to secure funds to pay the indemnity.....	205
51. Dispatch from Mr. Logan to Mr. Frelinghuysen, November 1, 1883, first part.....	208
52. Communication from the Officer in Command of the Naval forces in occupation to the Sub-Prefect of Chucuito.....	209
53. Letter of the Peruvian Minister to Chilea ddressed to the Minister of Foreign Affairs of Chile, initiating the claim relative to Tarata, November 10, 1884.....	211
54. Note of the Minister of Foreign Affairs of Peru to the Minister of Chile in Lima, February 16, 1885, insisting upon the claim respecting Tarata.....	214
55. Note from Peruvian Minister Elias to the Minister of Foreign Affairs of Chile, dated October 13, 1886, insisting upon the return of Tarata.....	219
56. Note from Minister Elias, dated March 5, 1887, proving geographically the right of Peru to Tarata.....	222
57. Decree of the Chilean Government, of May 4, 1904, altering the boundaries between Arica and Pisagua.....	225
58. Note of the Minister of Foreign Affairs of Peru to the Minister of Foreign Affairs of Chile July 16, 1904, protesting against this decree.....	228
59. Note of the Minister of Foreign Affairs of Chile to the Chilean Minister in Lima, dated April 12, 1890, offering to increase the indemnity for Tacna and Arica in case they were ceded directly to Chile.....	235
60. Refusal of the Peruvian Government, contained in a communication to its Legation in Santiago, dated May 1, 1890.....	238
61. Note of the Minister of Foreign Affairs of Peru, Sr. Larrabure, dated August 10, 1892, inviting the Chilean Minister in Lima to undertake the negotiations for the special protocol to which Article 3 of the Treaty of Ancon refers.....	240
62. Reply of the Chilean Minister to the preceding communication, dated August 11, 1892, advising that he was transmitting the suggestion to his Government.....	242
63. Communication from Minister Larrabure to the Chilean Minister Vial Solar, dated September 5, 1892, proposing a basis of agreement.....	244
64. Reply from Sr. Vial Solar, April 8, 1893, rejecting the bases.....	247
65. Note from the Minister of Foreign Affairs of Peru, dated April 4, 1893, inviting the Minister of Chile to negotiate the protocol which was to govern the plebiscite.....	250
66. Minutes of the six conferences carried out between the negotiators, between April 18, 1893 and December 7, 1893.....	252
67. Jimenez-Vial Solar conditions, of January 26, 1894.....	275

	Page
68. Memorandum read by the Peruvian Minister Ribeyro to the Minister of Foreign Affairs of Chile, February 23, 1894, proposing conditions for the plebiscite.....	277
69. Note of the Minister of Peru in Chile to the Chilean Minister of Foreign Affairs, Blanco Viel, dated March 27, 1894, leaving on record the expiry of the ten-year term, and reaffirming the rights of Peru.....	283
70. Reply of Minister Blanco Viel, March 29, 1894.....	285
71. Note of the Minister of Peru in Chile, to the Peruvian Minister of Foreign Relations of Peru, giving an account of his conference with Chilean Minister Sanchez Fontecilla, during which the latter declared that negotiations should begin anew, ignoring all that had been achieved relative to the conditions of January 26.....	290
72. Vial Solar's interpretation of this incident.....	294
73. Note from the Peruvian Minister in Chile, Sr. Ribeyro, dated September 21, 1894, soliciting a speedy decision to the unfinished discussion.....	299
74. Conferences of the Chilean Minister in Lima, Sr. Maximo R. Lira, August 5 to December 31, 1895.....	305
75. Conference of February 5, 1897, between the Peruvian Minister in Santiago, Dr. Porras, and the Minister of Foreign Affairs of Chile, during which the latter proposes a form of agreement which would obviate the necessity for the plebiscite.....	333
76. Billinghamst-Latorre Protocol, of April 16, 1898.....	337
77. Note of the Chargé d'Affaires of Peru to the Minister of Foreign Affairs of Chile, of September 9, 1898, promising that Peru would not impose lesser taxes on nitrates than those imposed by Chile..	347
78. Porras-Amunátegui Protocol, of September 14, 1898, for the purpose of acting conjointly in the matter of the revenue imposed on the exportation of nitrate.....	349
79. Note from the Chilean Minister, October 1, 1898, to the Minister of Foreign Affairs of Peru, desiring him to undertake that Peru, in case Tacna and Arica were regained, would not work, sell or transfer the domain of the nitrate deposits which might exist in those provinces.....	351
80. Reply from Minister Porras, October 2, 1898, rejecting the request as contrary to the principle of national sovereignty.....	354
81. Note from the Chargé d'Affaires of Peru, Sr. Benavides, of November 24, 1898, to the Minister of Foreign Affairs of Chile, requesting a decision on the Billinghamst-Latorre protocol.....	359
82. Reply to the above-mentioned note, December 24, 1898.....	362
83. Conference between the Peruvian Minister Chacaltana and the Minister of Foreign Affairs of Chile, relative to the necessity for approving the Billinghamst-Latorre protocol, May 10, 1900.....	364
84. Note from Peruvian Minister Chacaltana to the Minister of Foreign Affairs of Chile, June 12, 1900, respecting the delay in securing approval.....	374
85. Note from Minister Chacaltana, January 19, 1901, dealing with the rejection of the Protocol by the Chilean Lower House.....	385

	Page
86. Report of the Ministry of Foreign Affairs of Chile, 1901, giving an account of the rejection of the Protocol, and approving the idea of negotiating new agreements, and revealing the intention of retaining the territory in any case.....	398
87. Final part of the Circular of May, 1901, in which the decision to submit the question of Tacna and Arica to arbitration is announced	401
88. Various proposals made by the Minister of Foreign Affairs of Chile, Puga Borne, to the Peruvian Minister Seoane, March 25, 1908, among them, but not principally, that relative to Tacna and Arica.....	404
89. Minister Seoane's reply, May 8, 1908, refuting the Chilean interpretations respecting the conditions for the plebiscite.....	406
90. Note of the Minister of Foreign Affairs of Chile to the Minister of Foreign Affairs of Peru, August 11, 1909, complaining with reference to the terms of the Message to the Peruvian Congress by President Leguia.....	439
91. Reply from the Minister of Foreign Affairs of Peru, September 9, 1909, proving that the failure to carry out the plebiscite is due to Chile.....	444
92. Chilean proposal for the plebiscite and counter proposal by Peru, November, 1909.....	451
93. Opinions relative to Article 3 of the Treaty of Ancon, contained in the Chilean Red Book.....	455
94. Conditions proposed by telegraph in the Huneeus-Valera negotiation. Dispatches from the American Minister in Chile to the State Department, November 18, and December 3, 1912.....	458
95. Extract from the message of President Billingshurst to the Peruvian Congress, explanatory of the real intention of the Huneeus-Valera negotiation on the part of Peru.....	460
96. Telegram from the Minister of Foreign Affairs of Chile to the Chilean Consul General in Callao, December 20, 1912, instructing him to inform the President of Peru that the agreement cannot be entertained.....	463
97. Testimony from Chilean sources refuting the theory that Tacna and Arica are necessary to Chile for strategic purposes.....	465
98. Dispatch from the American Minister in Santiago, Mr. Fletcher, date November 14, 1911, dealing with the attitude of Chile relative to Tacna and Arica in that year.....	477
99. Memorandum presented by the Ministry of Foreign Affairs of Peru to the governments which intervened in 1910, showing the dangers which threatened the preservation of peace.....	480
100. A. Cañas Pinochet, "Descripción General del Departamento de Pisagua" Iquique, 1884. Declaration that the Camarones Gap is the natural defensive line of Tarapacá.....	487
101. Memorandum of the Minister of Foreign Affairs of Peru, October 23, 1911, recounting the incidents which occurred in Iquique in May of that year, and calling attention to the efforts of Chile to provoke a conflict.....	488
102. Speech of the Chilean Delegate to the First Pan-American Conference of Washington, 1889, assailing obligatory arbitration...	491

	Page
103. Speech of the Peruvian Delegate in favor of the proposal for arbitration.....	493
104. Amendment for the elimination from American Public Law of conquests and territorial annexations, and the voting on the final amendment.....	495
105. Instruction from the Minister of Foreign Affairs of Chile to the Chilean Minister in Washington relative to the restrictions in the program of the Conference of Mexico.....	498
106. Letter from the Minister of Chile in Washington to the Director of the Bureau of American Republics, April 30, 1901.....	501
107. Opinions expressed by the <i>New York Tribune</i> with regard to the conditions, contained in Minister Morla Vicuña's note of July 18, 1901, exacted by Chile relative to the Congress of Mexico..	505
108. Convention on Compulsory Arbitration signed by Peru in the second Pan-American Conference.....	508
109. Statement of the Chilean Delegation against compulsory arbitration.....	510
110. Communication of the Peruvian Delegation defining Peruvian policy on the subject of compulsory arbitration.....	513
111. Communication from the Minister of Peru in Washington to the Secretary of the Programme Committee for the Third Pan-American Conference, January 27, 1906, in which he urges the necessity for a resolution upon obligatory arbitration.....	519
112. Special Treaty (upon transfers) between Chile and Bolivia dealing with the territories of Tacna and Arica, May 18, 1895.....	524
113. Protocol of December 9, 1895 relative to the scope of the obligations undertaken in the treaties of May 18, 1895.....	528
114. Protocol explanatory of the former, dated April 30, 1896.....	531
115. Protocols signed in Bogota, between the Minister of Foreign Affairs, Abadia-Mendez, and the Chilean Minister, Herbozo, which showed the intention of Chile to prevent the settlement by arbitration of Peru's outstanding issues with foreign nations. Published by the <i>New York Sun</i> , October 19, 1902.....	534
116. Protest by the Peruvian Government with regard to the Peace Treaty between Bolivia and Chile in 1904.....	546
117. Agreements signed in Santiago in 1902 between the representatives of Chile and the Argentine Republic to procure that the latter would not interfere in the question of the Pacific.....	549
118. Attempt by Chile to provoke war between Bolivia and Peru in 1909, on account of the award of the Argentine Republic, in the arbitration proceedings upon the boundaries between Bolivia and Peru.....	554
119. Statement contained in the Report of the Ministry of Foreign Affairs of Chile, 1910, which proves the genuineness of said telegrams.....	565
120. Telegram from the Chargé d'Affaires of the United States in Lima, dated March 7, 1910, transmitting to the State Department the information supplied by the Peruvian Consul General in Chile to the effect that a vessel with a cargo of arms for Ecuador had sailed from Chile.....	567

	Page
121. Communication from the Peruvian Consul General in Valparaíso to the Ministry of Foreign Affairs of Peru, dated March 16, 1910, advising the sailing of the armament from Chile to Ecuador. . .	568
122. Views of the United States Department of State addressed to Chile with regard to the events which took place in La Paz in March, 1920.	571
123. Report of the Minister of Foreign Affairs of Peru, 1920, dealing with the effect of Chilean policy in its endeavor to provoke a rupture with Peru in March of that year.	572
124. Declaration to the effect that Chile solicited and obtained, in 1904, through a secret clause, the support of Bolivia to acquire Tacna and Arica.	576
125. Bacourt-Erazuriz Franco-Chilean Protocol.	579
126. Chilean decree closing the schools.	582
127. Note from the Peruvian Minister Chacaltana to the Minister of Foreign Affairs of Chile, dated November 14, 1900, relative to the Chilenization methods employed in Tacna and Arica	584
128. Note from the Peruvian Minister Chacaltana, dated December 15, 1900, complaining that no reply had been sent him and stating that unjustifiable methods of Chilenization were still being undertaken.	616
129. Reply from the Chilean Minister Bello Codecido to the above, of December 18, 1900.	620
130. Minister Chacaltana's reply of December 24, 1900	623
131. Paragraphs of the Minister of Foreign Affairs of Chile's reply, of January 19, 1901.	630
132. Note from Minister Chacaltana, of January 30, 1901, proving how unjustified is the attitude of Chile with regard to Tacna and Arica.	632
133. Communication from the Archbishop of Lima, Monsignor Tovar, dated August 5, 1901, to the Bishop of Arequipa, the Diocesan of the parishes of Tacna and Arica, dealing with the action of Chile in her endeavor to detach these parishes from the jurisdiction of Arequipa.	646
134. Sessions of the Consultive Committee on Tacna and Arica. Secret documents from the Chilean Government, published in <i>El Comercio</i> of Lima, March, 1910.	651
135. Letter from the Chilean Minister of Foreign Affairs to the Chilean representative in Washington, under date January 20, 1906. Secret documents published in <i>El Comercio</i> 1910.	668
136. Declaration made by Sr. Bello Codecido, former Minister of Foreign Affairs of Chile, in his volume, "Anotaciones para la historia de las negociaciones diplomáticas con el Perú y Bolivia," in which he refers to the secret documents published in Peru. . .	681
137. Communication addressed by Sr. Edwards, Minister of Foreign Affairs of Chile, to the Governor of Tacna, February 17, 1910, ordering the expulsion of the Peruvian priests.	684
138. Note from the Minister of Foreign Affairs of Peru to the Minister of Foreign Affairs of Chile, September 30, 1909, complaining with regard to the abuses committed in Tacna and Arica. . . .	689

	Page
139. Note from the Minister of Foreign Affairs of Peru, dated December 23, 1909, insisting on his protest and enumerating the abuses committed by Chile.....	693
140. Communication from the Chargé d'Affaires of Peru in Santiago to the Minister of Foreign Affairs of Chile, March 19, 1910, communicating the severance of diplomatic relations owing to Chile's refusal to modify her attitude with regard to Tacna and Arica.....	706
141. Report of the Minister of Foreign Affairs of Peru, of July 28, 1911, in which he recounts the serious abuses committed in Iquique, Tacna and Arica, during May of this year.....	708
142. Circular of the Minister of Foreign Affairs of Peru, of December 2, 1918, relative to abuses committed towards the end of that year.	713
143. Telegraphic circular of the Minister of Foreign Affairs of Peru, December 25, 1918, relating to the expulsion of Peruvians from Tarapacá, Tacna and Arica.....	724
144. Circular of the Minister of Foreign Affairs of Peru, January 12, 1919, refuting the Chilean assertions.....	727
145. Interviews secured and published by <i>La Nación</i> of Buenos Aires, during September, 1919, respecting crimes committed in Tarapacá, Tacna and Arica.....	730
146. Circular of the Minister of Foreign Affairs of Peru, December 13, 1919, relative to the compulsory military service imposed by Chile upon Peruvians.....	734
147. Letter sent from Oruro, January 18, 1919, by the engineer R. L. Valverde to Dr. Jose Pardo treating of the serious events which occurred in Tacna with regard to the expulsion of Peruvians...	743
148. Communication addressed to the Ministry of Foreign Affairs of Peru by the Governor of Tacaco, January 13, 1923, giving an account of the crimes committed in Tarata.....	753
149. Copy of the decree issued by the Chilean Sub-delegate of the district of Putre (Province of Tacna) dated December 28, 1921, expelling from the territory the Peruvian citizen Antonio Mollo and his family.....	756
150. Paragraph of the letter addressed to Dr. M. F. Porras by the Peruvian Regional Representative for Tacna, Sr. G. A. Pinto, January 16, 1923, which contains an account of the manner in which the banquet to the Governor of Arica was arranged in the valley of Azapa.....	758
151. Telegram from the Prefect of Tacna Libre, February 24, 1923, advising the incidents relative to the expulsion of Peruvians to the South of Chile.....	761
152. Communication from the Prefect of Tacna Libre, dated February 26, 1923, relative to the continued persecutions directed against Peruvians.....	763
153. Testimony of Italian subjects relative to the present attitude of the Chilean authorities in Tacna and Arica, April 6, 1923, forwarded to the Ministry of Foreign Affairs of Peru.....	765
154. Telegram from the Peruvian Prefect, resident in Locumba, dated April 19, 1923, relating to invasions of the present frontier.....	773

	Page
155. Certificate issued by the Manager of "The Telegraph to Bolivia Company" dated August 4, 1919, which contains the statement that Roberto Nalvarte, an employee of the company, was being expelled from Tacna on account of his Peruvian nationality....	775
156. Declaration by the Mayor of the District of Ilabaya, of June 24, 1919, relative to the expulsion of the Peruvian citizen, Sr. José Pozo.....	777
157. Account of the abuses committed in Arica against the Peruvian citizen J. P. Rueda.....	780
158. Extracts from affidavits sworn to by Peruvian citizens expelled by the Chilean authorities from the territories of Tacna and Arica.. Cablegram from the Minister of Foreign Affairs of Peru to Dr. M. F. Porras, President of the Arbitration Commission in Washington.....	801
159. Memorandum from the Governor of Tacna, Maximo R. Lira, to the Minister of Foreign Affairs of Chile. (Secret Documents, published in <i>El Comercio</i> of Lima, March 15, 1910).....	802
160. Conditions for plebiscites, carried out as a consequence of the Treaties of Versailles and St. Germain.....	808

NOTE

The exhibits, whose Spanish originals do not appear translated into English among the official documents of the United States, are herein appended in both languages.

No. 1

Articles of the Chilean Constitutions Bearing Upon the Boundary Between Chile and Bolivia

1822. The territory of Chile recognizes as its natural boundaries, on the south, Cape Horn; on the north, the desert of Atacama.

1823. The territory comprises from Cape Horn to the desert of Atacama.

1828. The Chilean nation extends in a vast territory, limited on the north by the desert of Atacama.

1832. Its territory comprises from north to south, from the desert of Atacama to Cape Horn.

1833. The territory of Chile stretches from the desert of Atacama to Cape Horn.

Nº 1

Artículos de las Constituciones de Chile relativos a los límites entre Chile y Bolivia

1822. El territorio de Chile reconoce por límites naturales al sur el Cabo de Hornos; al norte el Despoblado de Atacama.

1823. El territorio comprende desde el Cabo de Hornos hasta el Despoblado de Atacama.

1828. La nacion chilena se extiende en un vasto territorio limitado al norte por el Despoblado de Atacama.

1832. Su territorio comprende de norte a sud desde el Desierto de Atacama hasta el Cabo de Hornos.

1833. El territorio de Chile se extiende desde el Desierto de Atacama hasta el Cabo de Hornos.

No. 2

Treaty of 1866 Between Chile and Bolivia

ARTICLE 1. The line of demarcation of the boundaries between Bolivia and Chile in the desert of Atacama, shall, hereafter, be parallel 24 degrees of latitude south, from the Pacific coast to the eastern boundaries. Chile to the south and Bolivia to the north, shall have possession and dominion of the territories extending as far as the above mentioned parallel 24, with power to exercise therein all and every act of jurisdiction and sovereignty pertaining to the owner of the land.

The exact survey of the line of demarcation between both parts shall be undertaken by a commission of properly qualified persons and experts, the half of whose members shall be appointed by each one of the high contracting parties.

Once the boundary line shall have been surveyed, it shall be physically marked by means of visible and permanent landmarks, the expense of which shall be equally borne by the Governments of Bolivia and Chile.

ART. 2. Notwithstanding the territorial division specified in the foregoing article, the Republic of Bolivia and that of Chile shall share, in equal parts, the proceeds of the exploitation of the guano deposits discovered in Mejillones, and in all such further deposits of this same fertilizer which may be discovered in the territory comprised between degrees 23 and 25 of latitude south, as well as in the export duties which shall be collected upon the minerals mined within the same territorial extension previously specified.

ART. 3. The Republic of Bolivia undertakes to open up the bay and port of Mejillones and to establish a Customs House thereat, with the number of officers which the development of the industry and commerce may require. This Customs House shall be the only revenue collecting office which shall be empowered to receive the proceeds of the guano and the export duties on metals to which the preceding article refers.

The Government of Chile shall be at liberty to appoint one or more revenue officers, duly authorized to exercise the right of supervision and inspection of the receipts of the referred-to Customs of Mejillones, and to receive directly from the same office and quarterly, or in such manner as may be mutually decided

upon by both States, that portion of the profits due to Chile to which Article 2 refers.

The same privilege shall be extended to the Government of Bolivia for the collection and receipt of the profits to which the preceding article refers, should the Government of Chile at any time establish a revenue office in the territory comprised between degrees 24 and 25.

ART. 4. Exemption from all export duties shall be granted to the products of the territory comprised between degrees 24 and 25 latitude south, which may be extracted through the port of Mejillones. The natural products of Chile introduced through the port of Mejillones shall likewise be exempt from all import duties.

ART. 5. The method of exportation or sale of guano, and the export duties assessed upon minerals, to which Article 2 of the treaty refers, shall be mutually agreed upon by the high contracting parties, either by means of special agreements or according as both may consider more convenient or appropriate.

ART. 6. The contracting Republics bind themselves not to transfer their rights to the possession or dominion of the territory which is divided between them by the present treaty, in favor of any other State, association or private individual. In case either of them should wish to effect such a transfer, the purchaser may only be the other contracting party.

* * * * *

Nº 2

Tratado de 1866 ente Chile y Bolivia

ARTICULO 1º. La línea de demarcación de los límites entre Bolivia y Chile en el desierto de Atacama, será en adelante el paralelo 24 de latitud meridional, desde el litoral del Pacífico hasta los límites orientales. Chile por el Sur, y Bolivia por el Norte, tendrán la posesión y dominio de los territorios que se extienden hasta el mencionado paralelo 24, pudiendo ejercer en ellos todos los actos de jurisdicción y soberanía correspondientes al señor del suelo.

La fijación exacta de la línea de demarcación entre las dos partes, se hará por una comisión de personas idóneas y peritas, la mitad de cuyos miembros serán nombrados por cada una de las Altas Partes Contratantes.

Fijada la línea divisoria, se marcará en el terreno por medio de señales visibles y permanentes, las cuales serán costeadas á prorrata por los gobiernos de Bolivia y Chile.

ART°. 2°. No obstante la division territorial estipulada en el articulo anterior, la Republica de Bolivia y la Republica de Chile se partiran por mitad los productos provenientes de la explotacion de los depositos de guano, descubiertos en Mejillones, y de los demas depósitos del mismo abono que se descubrieren en el territorio comprendido entre los grados 23 y 25 de latitud meridional, como tambien los derechos de exportacion que se perciban sobre los minerales extraidos del mismo espacio de territorio que acaba de designarse.

ART°. 3°. La Republica de Bolivia se obliga a habilitar la bahia y puerto de Mejillones, estableciendo en aquel punto una aduana con el numero de empleados que exija el desarrollo de la industria y del comercio. Esta aduana será la unica oficina fiscal que pueda percibir los productos del guano y los derechos de exportacion de metales de que trata el articulo precedente.

El Gobierno de Chile podra nombrar uno o mas empleados fiscales, que investidos de un perfecto derecho de vigilancia, intervengan en las cuentas de las entradas de la referida Aduana de Mejillones y perciban de la misma oficina directamente y por trimestres o de la manera que se estipulare por ambos Estados, la parte de beneficio correspondiente a Chile a que se refiere el articulo 2°.

La misma facultad tendrá el Gobierno de Bolivia siempre que el de Chile, para la recaudacion y percepcion de los productos de que habla el articulo anterior, estableciere alguna oficina fiscal en el territorio comprendido entre los grados 24 y 25.

ART°. 4°. Seran libres de todo derecho de exportacion, los productos del territorio comprendido entre los grados 24 y 25 de latitud meridional, que se extraigan por el puerto de Mejillones. Seran libres de todo derecho de importacion, los productos naturales de Chile que se introduzcan por el puerto de Mejillones.

ART°. 5°. El sistema de exportacion o venta del guano, y los derechos de exportacion sobre los minerales de que trata el articulo 2° de este pacto, serán determinados de comun acuerdo por las Altas Partes Contratantes, ya por medio de convenciones especiales ó en la forma que estimaren mas conveniente o expedita.

ART°. 6°. Las Republicas Contratantes se obligan a no enajenar sus derechos a la posesion o dominio del territorio que se dividen entre si por el presente tratado, a favor de otro Estado, sociedad o individuo particular.

En el caso de desear alguna de ellas hacer tal enagenacion, el comprador no podrá ser sino la otra Parte Contratante.

* * * * *

No. 3

Treaty of 1874 Between Chile and Bolivia

ARTICLE 1. The parallel of the 24° from the ocean to the cordillera of the Andes, in the *divortia aquarum*, is the boundary between the Republics of Bolivia and Chile.

ART. 2. For the effects of this treaty the lines of the parallels 23 and 24, established by Commissioner Pissis and Mujia, and to which the acts of the proceedings of February 10, 1870, bear testimony, shall be considered as holding and subsisting.

Should there arise any doubts as to the true and exact location of the Caracoles mining district, or of any other mineral-bearing land, and it is thought that they are outside of the zone enclosed between both parallels, their exact ubication shall be determined by a commission of two experts, each contracting party appointing one, with power to appoint a third to act as umpire, and in the event that they should not be able to agree upon the umpire, this appointment shall be left to the decision of H. M. the Emperor of Brazil. Until it shall be proved to be otherwise, it shall be understood, as it is at present, that this mineral district lies within the aforesaid parallels.

ART. 3. The deposits of guano which now exist, or which may be discovered in the future, within the limits mentioned in the preceding article, shall be divided in moiety between Bolivia and Chile; the Governments of the two Republics shall agree by mutual consent on the method of working, administrating and selling the guano, adopting the manner and form hitherto employed. (This article was enlarged by the treaty of July 4, 1875, which stipulated that the guanos which should be worked conjointly were such as lay within parallels 23 and 24, and that all and every question which might arise in reference to the interpretation and scope of the principal treaty should be submitted to the decision of an arbiter.)

ART. 4. The export duties to be levied on the minerals mined within the zone mentioned in the preceding articles shall not exceed those which are in force at the present time; and the Chilean capital, their persons and their industries, shall not be subject to any other taxes of whatsoever kind than at present exist. The

conditions expressed in this article shall be binding for a term of twenty-five years.

ART. 5. The Chilean natural products which may be imported through the Bolivian littoral, comprised within parallels 23 and 24, shall be free and exempt from the payment of any duty; and as reciprocity the natural products of Bolivia shall enjoy the same privilege on entering the Chilean littoral comprised within the parallels of 24 and 25.

ART. 6. The Republic of Bolivia binds herself to open and establish Mejillones and Antofagasta as permanent ports of the Bolivian littoral.

ART. 7. From this date the treaty of August 10, 1866, is abrogated in all its parts.

ART. 8. The present treaty shall be ratified by each of the contracting Republics, and the ratification exchanged at the city of Sucre within a term of three months.

Nº 3

Tratado de 1874 entre Chile y Bolivia

ARTICULO 1º. El paralelo del grado 24, desde el mar hasta la cordillera de los Andes, en el *divortia aquarum*, es el límite entre las repúblicas de Bolivia y de Chile.

ARTº. 2º. Para los efectos de este tratado se consideran firmes y subsistentes las líneas de los paralelos 22 y 24, fijadas por los comisionados Pissis y Mujía, y de que dá testimonio el acta levantada el 10 de febrero de 1870.

Si hubiere dudas acerca de la verdadera y exacta ubicación del asiento minero de Caracoles. ó de cualquier otro lugar productor de minerales, por considerarlo fuera de la zona comprendida entre esos paralelos, se procederá á determinar dicha ubicación, por una comisión de dos peritos nombrados, uno por cada una de las partes contratantes, debiendo los mismos peritos nombrar un tercero, en caso de discordia; y si no se aviniesen para ese nombramiento, lo efectuará S. M. el Emperador del Brasil. Hasta que no aparezca prueba en contrario relativa á esta determinación, se seguirá entendiendo, como hasta aquí, que ese asiento mineral está comprendido entre los paralelos indicados.

ARTº. 3º. Los depósitos de guano existentes ó que en adelante se descubran en el perímetro de que habla el artículo anterior, serán partibles por mitad entre Bolivia y Chile: el sistema de explotación, administración y venta se efectuará de común

acuerdo entre los gobiernos de las dos repúblicas en la forma y modo que se ha efectuado hasta el presente.¹

ART°. 4°. Los derechos de exportación que se impongan sobre los minerales, explotados en la zona del terreno de que hablan los artículos precedentes, no excederán la cuota de la que actualmente se cobra; y las personas, industriales y capitales chilenos no quedarán sujetos á más contribuciones de cualquiera clase que sean que las que al presente existen.

La estipulación contenida en este artículo durará por el término de veinticinco años.

ART°. 5°. Quedan libres y exentos del pago de todo derecho, los productos naturales de Chile que se importaren por el litoral boliviano comprendido dentro de los paralelos 23 y 24; en reciprocidad, quedan con idéntica liberación los productos naturales de Bolivia que se importen al litoral chileno dentro de los paralelos 24 y 25.

ART°. 6°. La República de Bolivia se obliga a la habilitación permanente de Mejillones y Antofagasta como puertos mayores de su litoral.

ART°. 7°. Queda desde esta fecha derogado en todas sus partes el tratado de 10 de agosto de 1866.

ART°. 8°. El presente tratado será ratificado por cada una de las repúblicas contratantes, y canjeadas las ratificaciones en la ciudad de Sucre, dentro del término de tres años.

¹ Este artículo fué ampliado por otro tratado complementario de 4 de julio de 1875, en el que se declaró que la comunidad en la explotación de guanos se refería al territorio de los paralelos 23 y 24, y en el que, además, se pactó el arbitraje para todas las cuestiones que se suscitaran sobre la inteligencia y ejecución del tratado principal.

No. 4

Note of April 21, 1879, from Sr. Mariano D. Muñoz, former Minister of Foreign Affairs of Bolivia, treating of the Chilean purposes of conquest. (*Pedro Irigoyen*: "La adhesión de la República Argentina al tratado de alianza defensiva perú-boliviano de 1873." Lima, 1919, p. 191.)

LIMA, April 21, 1879.

Sr. Dr. D. ZOILO FLORES,

E. E. and Minister Plenipotentiary of Bolivia, City.

* * * * *

SIR: About the month of March, 1866, Señor Aniceto Vergara Albano was received as Envoy Extraordinary and Minister Plenipotentiary of Chile, in Bolivia, with the object of negotiating and carrying out the proffered alliance (against Spain), and to renew the conferences still pending on the boundary question between both nations.

The first object having been fulfilled, we next undertook to reopen the conferences, Señor Vergara Albano as Chilean Plenipotentiary, and I as General Secretary of State and Minister of Foreign Affairs.

After every argument had been exhausted, I formulated the basis, which, in the opinion of the Bolivian Government, might conciliate the interests of both republics, adopting as a basis the partitioning of the disputed territory, actuated by a sentiment of confraternity, and as a friendly and equitable compromise.

It was in the course of these conferences that I heard the Chilean Plenipotentiary make the propositions to which you refer in the letter which I now answer, and to the effect that "Bolivia should agree to renounce all her rights to the disputed zone from 25° south latitude to the River Loa, or at least to and including Mejillones, with the precise promise that Chile would aid Bolivia, in the most efficacious manner, to acquire by armed occupation the Peruvian littoral as far as the Morro de Sama, as compensation for the cession of the Bolivian littoral to Chile; the reason adduced being that the only natural outlet of Bolivia to the Pacific was through the port of Arica."

This proposition was repeatedly made by Sr. Vergara Albano, I may say, from the first to the last conference which we held,

and he did not fail to reiterate it to President Melgarejo, whose warlike spirit and tendencies he tried to flatter, insinuating the idea of his carrying out a glorious campaign which his predecessors had not been able to undertake. With tenacious perseverance Sr. Vergara Albano was seconded in his efforts by his secretary, Sr. Carlos Walker Martinez, who had gained the intimate sympathy of Melgarejo, and from whom he obtained the brevet of major in the Bolivian army, offering himself as his aid-de-camp in the future campaign against Peru, to which they were both urging him. In the files of the army register of that date the entry of this commission is undoubtedly to be found.

The loyal and firm refusal with which both Melgarejo and myself met these insinuations did not suffice to make the Chilean Government desist from its absorbent tendencies and from its aims of usurpation; because, when I was at Santiago on a special mission, a few days before the final termination of the boundary treaty, which was signed at that city on the 10th of August, 1866, between the Plenipotentiaries, Alvaro Covarrubias on the part of Chile, and J. R. Muñoz Cabrera on the part of Bolivia, Sr. Covarrubias strenuously insisted upon the demarcation and exchange of littorals which Sr. Vergara Albano had proposed to me; and it was not solely Covarrubias, the Minister of Foreign Affairs of Chile, who insinuated the same idea to Muñoz Cabrera and myself, but also many other notable persons of that city, who, although using other arguments, strove to persuade us that Chile was advocating in favor of Bolivia, and that she only had in view the equilibrium of the nations of the Pacific, and the desire of rectifying the boundaries of the three countries in the most natural manner.

Vergara Albano, Covarrubias and Walker Martinez, and many others to whom I refer, are still living; let them give me the lie if they refuse to lend their homage to the truth of this statement.

* * * * *

MARIANO D. MUÑOZ.

Nota del 21 de abril de 1879, de D. Mariano D. Muñoz, ex-Ministro de Relaciones Exteriores de Bolivia, sobre los propósitos de conquista de Chile. (*Pedro Irigoyen*: "La adhesión de la República Argentina al tratado de alianza defensiva Perú-boliviano de 1873." Lima, 1919, p. 191.)

LIMA, abril 21 de 1879.

Sr. Dr. D. ZOILO FLORES,

E. E. y Ministro Plenipotenciario de Bolivia, Presente.

Señor:

* * * * *

Por marzo del 66 fué reconocido en La Paz el señor don Aniceto Vergara Albano en su carácter de Enviado Extraordinario y Ministro Plenipotenciario de Chile en Bolivia, con el objeto de negociar y concluir la alianza ofrecida, y de reanudar las conferencias pendientes sobre límites entre ambos países.

Llenado el primer objeto, el Plenipotenciario Vergara Albano y yo, en mi carácter de Secretario General de Estado y Ministro de Relaciones Exteriores, procedimos a reabrir dichas conferencias. Agotadas las discusiones, formulé las bases que, a juicio del Gobierno de Bolivia, podrían conciliar los intereses de ambas Repúblicas, adoptando como puntos de partida la división del territorio disputado, en testimonio de confraternidad y como una transacción equitativa y amigable. Fué durante esas conferencias que tuve ocasión de escuchar al Representante de Chile la proposición a que se refiere la carta que contesto; esto es: "que Bolivia consintiera en desprenderse de todo derecho a la zona disputada desde el paralelo 25 hasta el Loa, o cuando menos hasta Mejillones inclusive, bajo la formal promesa de que Chile le apoyaría a Bolivia, del modo más eficaz, para la ocupación armada del litoral peruano hasta el Morro de Sama, en compensación del que cedería a Chile, en razón de que la única salida natural que Bolivia tenía al Pacífico, era el puerto de Arica."

Dicha proposición me fué hecha reiteradas ocasiones por el señor Vergara Albano, puedo decir desde la primera hasta la última conferencia, sin haber omitido hacerla también directamente al general Melgarejo, cuyo ánimo belicoso trató de halagar con la idea de una campaña gloriosa que no habían podido realizar sus predecesores. Con tenaz perseverancia apoyaba a Vergara Albano su Secretario D. Carlos Walker Martínez, que su-

po captarse las simpatías íntimas de Melgarejo, a quien le arrancó el despacho de Sargento Mayor de Ejército para servirle de Edecán en la campaña sobre el Perú a que ambos le inducían. Debe existir la toma de razón de este despacho en el escalafón del Ejército de aquella época.

No obstante el rechazo leal y franco que Vergara Albano escuchó de parte de Melgarejo y de la mía, para que el Gobierno chileno hubiera podido desistir de sus tendencias absorbentes y de sus propósitos esencialmente usurpadores; pues, hallándose en misión especial en Santiago en los días anteriores a la conclusión definitiva del Tratado de límites, suscrito allí en 10 de agosto del 66 por los Plenipotenciarios D. Alvaro Covarrubias, por parte de Chile y D. Juan Ramón Muñoz Cabrera por la de Bolivia, el señor Covarrubias insistió con empeño en la demarcación y cambio de litorales que me propuso Vergara Albano; y no fué tan sólo Covarrubias, entonces Ministro de Relaciones Exteriores de Chile, sino también otras muchas personas notables de aquella capital que nos sugerían la misma idea a Muñoz Cabrera y a mí, bajo razonamientos distintos, pero todos en el sentido de persuadirnos de que Chile abogaba en favor de Bolivia, y se proponía únicamente el equilibrio de los Estados del Pacífico y la rectificación más natural en los límites de los tres países.

Viven aún Vergara Albano, Covarrubias y Walker Martínez, así como otros muchos a quienes me refiero: que me desmientan si rehusan prestar homenaje a la verdad de mi aserto.

* * * * *

MARIANO D. MUÑOZ.

No. 5

Dispatch from Mr. Markbreit, American Minister to Bolivia to the Secretary of State, January 31, 1872, Relative to the Fears Entertained by Bolivia. ("Foreign Relations of the U. S.," 1872, p. 64.)

No. 167. LEGATION OF THE UNITED STATES,
La Paz, January 31, 1872. (Received March 2.)

SIR: According to the treaty of August 10, 1866, between Bolivia and Chili, establishing the boundary-line between the two republics, it was agreed that the twenty-fourth parallel of latitude south should constitute the dividing line; but that all guanos minerals, &c., existing between the twenty-third and twenty-fifth parallels of latitude should belong equally to both countries.

Since the conclusion of this treaty it has been found that the guano-deposits at Mejillones are of considerable value, and about two years ago the wonderfully rich silver mines of Caracoles were discovered by a Chilian, Diaz Gana. It is now feared by the Bolivian Government that Chili may attempt to possess herself of these mines, as well as of the guano-deposits at Mejillones, availing herself of the first opportunity, with that purpose, which may offer. It is claimed that Chili is greedily waiting for some excuse, however trivial, to take this course. Mejillones is situated between the twenty-third and twenty-fourth parallels of latitude, while Caracoles, according to Bolivian opinion, lies north of the twenty-third parallel of latitude. I have had several unofficial conversations with the President and minister for foreign affairs upon this subject, and have found that their only hope seems to be, should such an emergency arise, to secure the intervention of the United States. Of course I have been careful not to commit in the slightest manner our government nor myself.

The guano-deposits at Mejillones are variously estimated at between four and ten million tons, while the mines of Caracoles, situated about one hundred and twenty miles from the bay of Mejillones, are said to contain immense riches. The capital invested at the latter place, chiefly by Chilians, amounts at the present time to about \$14,000,000. The population consists of about five thousand souls; while two years ago all that region did not contain a solitary inhabitant. A commission is now in session

in this city, which has before it twenty-eight propositions made to the Bolivian Government for the construction of a railway from the coast to the mines. Most of the propositions ask no guarantee from the government, but seek simply to obtain the right to construct the road.

This morning a battalion of infantry left this city for Caracoles, with the avowed purpose of maintaining order among the miners; but the real object evidently is to be, at least in some measure, prepared to meet any hostile movement on the part of Chili.

Whether the alarm felt by the Bolivian people relative to what they believe to be the attitude of that republic is well founded, the near future will show.

I am, &c.,

L. MARKBREIT.

No. 6

Notes from the Ministry of Foreign Affairs of Peru and its Diplomatic Agents relative to the proposed Alliance. (*Pedro Irigoyen*: "La adhesión de la República Argentina al tratado de alianza defensiva Perú-boliviano de 1873." Lima, 1919, pp. 7, 21, 47, 84, 105, 112, 124 and 229.)

Page 7.]

MINISTRY OF FOREIGN AFFAIRS,
Lima, May 20, 1873.

Sr. MANUEL IRIGOYEN,
*Peruvian Minister Resident in Brazil
and the Argentine Republic and Uruguay.*

You are doubtless aware that for some time back grave questions have arisen between Chile, on the one hand, and the Argentine Confederacy and Bolivia on the other, relative to the delimitation of boundaries between the former and the latter republics.

Bolivia, which, unaided, would not have the necessary strength to resist the pressure which Chile might bring to bear upon her, and alive to the convenience of strengthening the bonds which bind her to us, solicited through the intermediary of her Plenipotentiary, and in agreement with the Legislative Resolution, copy of which I enclose, the moral and effective support which were necessary to enable her to discuss and uphold her rights, dispassionately and in complete security. The Government of Peru could not remain indifferent to the legitimate appeal of her neighbor and signed with her the Defensive Treaty of Alliance, copy of which is enclosed, and which, already approved by the National Congress, will very shortly be submitted to the Bolivian Assembly and exchanged by both Governments.

An examination of this Agreement will bring the conviction that it has been prudently drawn up so as to prevent any cause for disagreements thus avoiding every excuse for war. Arbitration is therein stipulated as the sole just and reasonable means which must be adopted for deciding boundary disputes.

As it has been agreed, according to article 9 of the Treaty, to solicit the adherence of other Governments, you will endeavor to secure that of the Argentine Republic, which, at this present time, would not seem arduous in view of the difficulties which have

been encountered until now and which have stood in the way of and prevented a decision on her boundary line with Chile.

It is as much in the interest of the Argentine Republic as to Bolivia's, and indeed to that of all American countries whose boundaries have not yet been defined, to become members of the Defensive Alliance; especially at this moment when the Patagonia boundary question threatens to enter upon an aggressive phase, which we must all endeavor to prevent, confining it to that of discussion and of arbitration.

This is, therefore, the principal purpose of your Mission, and to which you will devote your best endeavor. With the strengthening of the Alliance, by the entry of other Republics, wars for territorial expansion will become impossible in America, because the exaggerated ambitions of any one of these Republics would have to be restrained when confronted by the firm and unyielding attitude of the Allies.

* * * * *

J. DE LA RIVA-AGÜERO.

Page 229.]

MINISTRY OF FOREIGN AFFAIRS,

Lima, August 21, 1873.

Sr. ANIBAL V. DE LA TORRE, *La Paz.*

* * * * *

Taken altogether, the conditions seem bad to me (in the Baptista-Walker Martinez negotiations) and it would be very desirable that the Treaty of 1866, which is impossible of practical application, be substituted for one which might be negotiated and which would remove every anxiety respecting a conflict and assure peace between those two countries (Bolivia and Chile). No excuses for further future complications should be allowed to subsist. If Chile is sincerely desirous to compromise difficulties, the stipulations should be unambiguous, precise and closing the door to any subsequent pretensions. Our chief interest is no other than to prevent that, under pressure from superior forces, Bolivia may be compelled to grant more than in justice she is required to do, and that the peace of America be disturbed to secure concessions to which Bolivia cannot consent except to her grave detriment.

* * * * *

J. DE LA RIVA-AGÜERO.

LIMA, August 24, 1873.

Sr. MANUEL IRIGOYEN, *Buenos Aires.*

MY ESTEEMED FRIEND: I have received and read with great interest your confidential notes of the 12th and 17th of July, and as I have not had time to reply officially, I am now doing so privately.

I suppose that after the explanation you gave Sr. Tejedor respecting the Treaty, he will have modified his impression concerning it; the Government has not now nor has it ever had the intention of entering into an offensive alliance; *we do not wish, nor is it to our interest, to attack any nation*; on the contrary, it is to the interests of us all in America to avoid wars and the treaty we perfected in February has no other purpose than to make war impossible; since the excessive ambitions of any of the American Republics would be halted, when confronted by a combination possessing sufficient authority to discourage it from attempting to carry out its plans by force, and likewise because by virtue of the Alliance it would be compelled to submit the issues to arbitration. Far from desiring to attack, indeed, our desire is to avoid the very motive for wars, which waste the energies which should be devoted to the development of the moral and physical resources of the nations, wherein there is still so much to be achieved.

As you will understand, the February treaty having been approved and ratified, it is no longer possible to alter it in any way, and unless the adhesion, pure and simple, of the Government of the Confederation can be secured, nothing can be done for the present. The subscribing of a separate treaty of alliance with that Government would necessitate obtaining Bolivia's consent in the first place and then waiting for a year at least so as to secure the approval of both Congresses, while another six months would be required to effect the exchanges of the ratifications. By this time, the treaty would no longer serve any useful purpose to the Confederation, for her boundary question with Chile would have assumed, during this interval, an unfavorable aspect; for by this time, the *sea power* of Chile would effectively prevent the Allies from making their voices heard to forestall war, as they are in a position to do today, when they might, as a final resort, assume the position of an armed interventor should circumstances so demand it. With regard to the idea, submitted by Sr. Tejedor, of soliciting the adhesion of Chile to this agreement, as to the existence of which she is still unaware, I do not think such a step would serve the interests of any of the Allies.

The plan which, in my opinion, should be followed, in the present matter of the boundary question, is that of tendering our good offices, should matters end in a breach, and the proposal to submit the points at issue to arbitration. Should our good offices not be accepted, then we would declare that we assumed the position of mediators and that, bound as we were by a treaty, we would be compelled to furnish the contingent of our forces unless recourse to arbitration were acquiesced in.

All that would be gained at the present time by advising Chile of the existence of this treaty, would be to cause her to protract her negotiations so as to be able to increase her armaments, on the one hand, and to sow political discord between the Allied Republics on the other, and thus nullify the purpose of the alliance and render its assistance valueless. You will see, therefore, that there is no advantage to be gained and everything to lose by acquainting Chile with the existence of this treaty. It would be a powerful incentive to induce her to countenance to a still greater degree any revolutionary movement among us and enable her to give steady material support to everything that would tend to weaken and disorganize us. Why, these have ever been her aims, solely because she fears that Peru, under peaceful administrations, might attain that position which she is called upon to occupy in the Pacific; her policy would then be openly exercised and would be the objective of all the parties and of the whole country. We must not, therefore, yield to Sr. Tejedor's suggestion; but whether that Government adheres to the treaty or declines to do so, thus failing to recognize where its best interests lie, in either case the greatest secrecy must be recommended. .

* * * * *

J. DE LA RIVA-AGÜERO.

CONFIDENTIAL No. 2.

PERUVIAN LEGATION,
Buenos Aires, September 24, 1873.

TO HIS EXCELLENCY CARLOS TEJEDOR,
Minister of Foreign Affairs of the Argentine Republic.

MR. MINISTER: The Governments of Peru and Bolivia, wishing to strengthen in a formal and solemn manner the bonds uniting the two countries, for the purpose of mutually guaranteeing their independence, their sovereignty and the integrity of their territories have concluded, through their respective Plenipotentiaries

at Lima on the 16th of February last, a Treaty of Defensive Alliance, of which the undersigned has the honor to enclose an authentic copy with this dispatch. This treaty, which, by virtue of its approval by the respective Congresses and the exchange of ratifications at La Paz on the 2nd of July last, is now in force, is entirely free, as Your Excellency will easily perceive, from all hostile or aggressive intent against any nation in particular and from all ambitious designs against the rights of others. On the contrary, all its stipulations tend to the protection, pure and simple, of autonomy and territorial integrity against all foreign aggression, and likewise to prevent a rupture by the removal of all pretexts for war; for, in the first paragraph of the 8th Article, arbitration is established as the only just and rational means to be employed for the settling of boundary questions. From this point of view, which, undoubtedly, is of the highest interest, the treaty means the establishing of a high principle in American public law and may therefore be considered as the surest guarantee of peace and union, not only between Peru and Bolivia, but also between the other American States which may give their adhesion thereto; and this is all the more important at the present moment because, as Your Excellency is aware, many of these States have the delimitation of their boundaries still in abeyance, for, although the questions that have up to the present arisen, have fortunately, not led to serious consequences, still they are not exempt from difficulties which may, perhaps, later lead to complications and serious dangers, which it is well, at any price, to avoid. With this understanding, the High Contracting parties have reserved to themselves the right of inviting the adhesion of one or several of the States alluded to, and have recently decided to solicit that of the Argentine Republic, as Your Excellency will gather from the authentic copies of the documents which I enclose.

To this end, and as the Bolivian government has not at the present time a diplomatic agent accredited to this Republic, it has agreed with that of Peru to confer upon the undersigned its full powers for the special purpose, the confirmation of which Your Excellency will find in the documents mentioned above and in the full powers which the undersigned will in due time have the honor of presenting to Your Excellency. In consequence thereof and carrying out the instructions received to that effect, the undersigned has the high honor, in the names of the Governments of Peru and Bolivia through the worthy organ of Your Excellency, to invite the adhesion of the Government of the

Argentine Republic to the afore-mentioned Treaty of Defensive Alliance, signed in Lima on the 16th of February last. With sentiments of the highest consideration and distinguished esteem, the undersigned has the honor to subscribe himself, Your Excellency's obedient and respectful servant.

MANUEL IRIGOYEN.

CONFIDENTIAL NOTE No. 70.

PERUVIAN LEGATION,
Rio Janeiro, July 1, 1874,

Sr. J. DE LA RIVA-AGÜERO,
Minister of Foreign Affairs of Peru.

SIR: Complying with your instructions, I have just had a conference with His Excellency the Minister of Foreign Relations of the Empire, Viscount de Caravellas, respecting the true purpose and scope of the Treaty of the 6th of February, and that of the declarations which I have recently made to the Government of the Argentine Confederation with regard thereto.

* * * * *

The Viscount, who was acquainted with the Treaty and was informed respecting the present stages of the negotiation, but who was unaware that the formal declaration had been made to and accepted by the Argentine Government, heard my explanation with unconcealed gratification; and told me that the Imperial Government had never believed that Peru, for whom it entertained great friendship, would have entered into any agreement hostile in intent to Brazil; but that the mystery with which the Argentine Government had surrounded the secret sessions of the Legislature, last year, and the armament, far in excess of its resources, which that Government was so hurriedly assembling, and also the undoubted interest in fostering international complications which various persons had, after having accumulated great fortunes during the war with Paraguay, were the cause of the suspicions which had been aroused over our negotiations with the Government mentioned above. . . .

M. IRIGOYEN.

CONFIDENTIAL NOTE No. 6.

MINISTRY OF FOREIGN AFFAIRS,
Lima, April 22, 1875.

Sr. MANUEL IRIGOYEN,
Minister of Peru in Brazil and the Plata Republics.

You will recall the instructions which were sent you at the time when you were entrusted with the important mission which

you are effecting in Brazil and the Republics of the Plata, as well as those sent you at a later date during the course of the negotiations, the purpose of which is to secure the adhesion of the Argentine Republic to the secret treaty of defensive alliance entered into with Bolivia on the 6th of February, 1873. You are familiar also with the Memorandum of my predecessor in office, Sr. de la Riva-Agüero; with the additional instructions relative to this document which were sent you later; and, finally, with the *reservation* which was added, respecting such circumstances as might originate between the Empire of Brazil and the Argentine Republic. As you well know, the treaty to which I have referred, far from having any hostile intent towards any Power, is designed to prevent war between nations, bound by the closest ties, and whose action in common, from the beginning of the present century, was exerted to secure the independence of the American continent. *This Treaty may eventually become—and this has been Peru's aim in proposing it—the surest road towards the union of the continent which formerly comprised the colonies of Spain, securing thereby the settlement by arbitration, when direct agreement between the parties was unobtainable, of all boundary questions still at issue as well as such as might arise in the future between the signatory Powers, which mutually guaranteed the integrity of their respective territories, their sovereignty and their independence.*

On the other hand, *Peru's interest in the preservation of peace in America should not be overlooked, for not only would she view with concern an encounter between nations of the same origin, but she might even find herself exposed to complications, the consequences of which are easily foreseen; which, if she was fortunate enough to avoid, might, nevertheless, unfavorably affect her commerce.*

At the present moment, the state of the relations between Bolivia and Chile, between Chile and the Argentine Confederation and finally, between that Republic and the Empire of Brazil, with all of which you are familiar; the possibility that the other two Powers of the Plata—Uruguay and Paraguay—may be drawn into the conflict which appears imminent between those two nations, either on one side or on the other; the great proportions which such a war would assume owing to the vital interests at stake of both contenders, and, lastly, the continuation of the present uncertain situation and its eventual result, which may bring about the shattering of the American balance of power, all these considerations urgently call for your prompt return to those countries, so that you may take advantage of any circum-

stances which may arise, employing the necessary good judgment and prudence which such matters require and bring the interrupted negotiations to a successful close.

* * * * *

A. V. DE LA TORRE.

CONFIDENTIAL NOTE No. 7.

MINISTRY OF FOREIGN AFFAIRS,

Lima, April 22, 1875.

Sr. MANUEL IRIGOYEN,

E. E. and Minister Plenipotentiary of Peru

to the Plata Republics.

In my note of the 7th of April, 1874, this Department advised you, among other matters, that, for the purpose of allaying the anxiety which Brazil might entertain on learning of the alliance between Peru, Bolivia and the Argentine Republic, the protocol of adhesion to the treaty of the 6th of February, 1873, should state that: "the Alliance would not apply to disagreements which, for political reasons or those relating to their territories, might arise between the Confederation and the Empire of Brazil; but would be restricted to the boundary questions between the Republics of Argentina, Bolivia and Chile and to such others as might arise between the contracting parties.

If the first portion of this reservation is easy to understand, being due to the already expressed purpose of reassuring the Empire, with which we are on terms of complete harmony, the same cannot be said of the second, which, once it is inserted would deprive the treaty of its lofty nature and reduce it to a very low level.

As you very well know, the Peruvian Government, in negotiating this agreement, was inspired by the most exalted intentions, for it is called upon to be the foundation of the friendly union of the nations of our continent, striving, as far as possible, to prevent war between those of the same common origin and giving birth to a new era of South American international law. The treaty cannot very well, therefore, be restricted to the purposes specified in the second portion of the reservation, nor can the Government consent to these limitations.

It will therefore be necessary, when negotiating the adhesion, that you should solely insert in the protocol or the reciprocal notes, as prearranged, that: "the alliance shall not apply to disagreements which, for political reasons or those respecting their

territories, may arise between the Argentine Confederation and the Empire of Brazil." In this manner the purpose of the Government will have been secured and the treaty will retain the characteristics of the lofty spirit in which it was conceived.

A. V. DE LA TORRE.

Page 124.]

CONFIDENTIAL NOTE No. 37.

MINISTRY OF FOREIGN AFFAIRS,

Lima, August 14, 1875.

Sr. MANUEL IRIGOYEN,

E. E. and M. P. to Brasil and the Plata Republics.

When in succession to the protracted discussion which has been carried on between the Governments of the Argentine Confederation and Chile, relative to the ownership of the territory of Patagonia, which it was hoped would shortly lead to a peaceful and satisfactory agreement, the last dispatches, however, exchanged between Sr. Pardo (José Pardo y Aliaga, Minister Plenipotentiary of Peru to Chile in succession to Sr. Ignacio Novoa) and Sr. Blest Gana (Minister Plenipotentiary of Chile to the Argentine) in June of this year—in connection with the proposed law presented to the Argentine Congress, dealing with the subsidy to be granted to the steamship line between Buenos Aires and the coast of Patagonia, with Chubut and the south of the Santa Cruz river as ports of call, and the grants of land to the company which may inaugurate this service—cause fears to arise that new complications may ensue and that the time may have arrived when the harmonious relations which have happily subsisted between the two countries, may be interrupted.

The republics of this continent, owing to their origin, to their common struggle to attain their independence, to the similarity of the institutions by which they are governed and other ties which have been subsequently developed, are called upon to increase their friendly intercourse more and more as time goes by, so that nothing could be more harmful and even dangerous as that this should happen to be disturbed. *As far as Peru is concerned, though vitally interested in preserving peace in America and with no intention of interfering in the question at issue between the Argentine Republic and Chile, yet she cannot remain indifferent to the imminence of so serious a danger, such as would be the outbreak of hostilities between two friendly nations to which she is bound by so many ties.*

Confronted by such an unfortunate emergency, it is easy to appreciate the nature and extent of the sacrifices which both would have to endure, though when traced to its source there is nothing in the issue which affects either their honor or national dignity.

You are aware that the foreign policy of my Government has constantly endeavored to maintain the most harmonious relations with all other nations; but when it comes to nations of a like origin, I believe that *peace among those of this continent is a paramount necessity, which cannot be overlooked in the very interests of the nations themselves*; my Government therefore considers that, in the present instance, its duty lies in tendering its good offices to the Governments of the Argentine Republic and Chile, so that, anticipating the dreaded event, the consequences of which would be disastrous for both countries, a peaceful and equitable solution may be sought, agreeing on or having recourse to arbitration by a third Power, and so put an end to the vexatious controversy which is being carried on, avoiding especially, in either case, any act which might tend to dissuade the parties from the adoption of a friendly solution.

You will, availing yourself of the cordial relations which subsist between you and the Minister of Foreign Relations of the Argentine Confederation, make the feelings of the Government of Peru known and cooperate towards the furtherance of the purpose in view, taking advantage of every opportunity which may arise to labor in that direction.

You may read this dispatch to Sr. Pardo and, should he so request it, furnish him with a copy thereof.

A. V. DE LA TORRE.

Nº 6

Notas cambiadas entre el Ministerio de Relaciones Exteriores del Perú y sus agentes diplomáticos sobre el objeto de la alianza. (*Pedro Irigoyen*: "La adhesión de la República Argentina al tratado de alianza defensiva perú-boliviano de 1873." Lima, 1919, pp. 7, 21, 47, 84, 105, 112, 124 and 229.)

LIMA, mayo 20 de 1873.

Sr. Dr. Dn. MANUEL IRIGOYEN,

Ministro Residente del Perú en el Brasil y Repúblicas del Plata.

Sabe U.S. que de algún tiempo a esta parte vienen suscitándose graves cuestiones entre Chile, de una parte, y la Confederación Argentina y Bolivia, de la otra, con motivo de la demarcación de límites entre aquélla y estas Repúblicas.

Bolivia, que aislada no tendría la fuerza suficiente para resistir a la presión que sobre ella pretende ejercer Chile y que conoce cuán conveniente es estrechar los vínculos que nos unen con ella, solicitó, por conducto de su Plenipotenciario y de conformidad con la resolución legislativa que incluyo a U.S. en copia, el apoyo moral y material que necesitaba para discutir y sostener, con calma y seguridad, sus derechos.—El Gobierno del Perú no podía permanecer indiferente a la justa demanda de su vecina y firmó con ella el tratado de alianza defensiva, cuya copia incluyo a U.S., y el cual, aprobado ya por el Congreso Nacional, será muy pronto sometido a la Asamblea de Bolivia y canjeado por ambos Gobiernos.

Examinando detenidamente ese pacto, se ve que él está prudentemente calculado para prevenir un rompimiento, evitando todo pretexto de guerra. En él se consagra el arbitraje, como el único medio justo y racional que debe adoptarse en la decisión de las cuestiones de límites.

Como en el artículo 9º. del tratado se conviene en solicitar la adhesión de otros Gobiernos, U.S. procurará obtener la de esa República; lo cual no parece hoy difícil, atendiendo a las dificultades con que hasta ahora ha tropezado, sin poder llegar a una demarcación de límites con Chile.

A la República Argentina interesa, pues, tanto como a Bolivia y como a todas las secciones americanas cuyos límites aún no se han precisado, entrar en la alianza defensiva, y con más razón

hoy que la cuestión de límites de Patagonia amenaza entrar en la vía de los hechos; de la que debemos todos procurar apartarla para circunscribirla a la de la discusión y del arbitraje.

Este es, pues, el principal objeto de la misión de U.S. y al cual debe dirigir todas sus fuerzas. Reforzada la alianza con la concurrencia de otras Repúblicas, se haría imposible en América toda guerra por posesiones territoriales, porque las pretensiones exajeradas de cualquiera de estas Repúblicas se modificarían ante la actitud firme y decidida de los Aliados.

* * * * *

J. DE LA RIVA-AGÜERO.

LIMA, 21 de agosto de 1873.

Sr. D. ANÍBAL V. DE LA TORRE, *La Paz*.

* * * * *

En conjunto me parecen malas las bases (de las negociaciones de Baptista y Walker Martínez) y sería de desear que subrogado el tratado de 1866, imposible en la práctica, se llegase a formular uno *que haga desaparecer todo temor de conflicto y asegure la paz entre esos dos países. (Bolivia y Chile)*. No hay q' dejar ningún pretexto para nuevas complicaciones en lo futuro. Si hay realmente deseos por parte de Chile de zanjar dificultades, que lo que se estipule sea claro, preciso y sin dejar la puerta abierta para exigencias ulteriores. Nuestro principal interés no es otro que el que no se quiera, abusando de la fuerza, exigir de Bolivia más de lo que la justicia permite, ni se perturbe la paz en América, por obtener concesiones a las que no pueda ceder Bolivia, sin grave detrimento suyo

* * * * *

J. DE LA RIVA-AGÜERO.

LIMA, 4 de septiembre de 1873.

Sr. D. A. V. DE LA TORRE, *La Paz*.

* * * * *

Si llegan a formular un tratado (Chile y Bolivia) que subrogue el de 1866 y que satisfaga los deseos de ese gobierno (Bolivia), nada será más grato para nosotros

* * * * *

J. DE LA RIVA-AGÜERO.

LIMA, 11 de septiembre de 1873.

Sr. ANIBAL V. DE LA TORRE, *La Paz*.

* * * * *

La única política que conviene a ese país (Bolivia) es definir cuanto antes la situación. Prolongar el estado de cosas actual es perder el litoral boliviano, o cuando menos consentir en que por ahora se explote en común para que más tarde se anexe a Chile. La consecuencia de esto sería el grave peligro para nosotros, no de perder Tarapacá y Arica, *porque creo que primero sucumbiríamos todos los peruanos que consentir en ello*; pero sí de tener que sostener una guerra, convirtiéndose quizás entonces Bolivia en aliada de Chile. Este temor me ha preocupado hace tiempo, y es el que me ha guiado en las negociaciones, hasta llegar al tratado de febrero.

* * * * *

J. DE LA RIVA-AGÜERO.

LIMA, 24 de agosto de 1873.

Sr. Dr. MANUEL IRIGOYEN, *Buenos Aires*.

MI ESTIMADO AMIGO: He recibido y leído con mucho interés las notas reservadas de 12 y 17 de julio, y como no he tenido tiempo de contestar a U. de oficio, paso a hacerlo privadamente.

Supongo que después de la explicación que del tratado hizo U. al Sr. Tejedor habrá modificado la opinión que de él se había formado: no es, ni ha sido nunca, la mente del Gobierno hacer un tratado de alianza ofensiva; *no deseamos ni nos conviene agredir a ninguna nación*; por el contrario, nos conviene en América a todos evitar guerras, y el tratado que celebramos en Febrero sólo tiene por fin hacer imposible la guerra, desde que las pretensiones exageradas de cualquiera de las Repúblicas americanas, escollarían ante un poder suficientemente fuerte para desalentarla de emprender por la fuerza la consecución de sus planes, y desde que, en virtud de la alianza, se podría exigir que todas las cuestiones se sometiesen a arbitraje. Lejos, pues, de pretender agredir, nuestro deseo es que se eviten motivos de guerras, en las que se malgasten las fuerzas que se deben emplear en el desarrollo moral y material de estas nacionalidades, en las que hay tanto por hacer.

Como U. comprenderá, aprobado y ratificado el tratado de febrero, ya no es posible introducir en él modificación alguna, y si no fuese una adhesión pura y llana la que quisiese el Gobierno de la Confederación, nada podríamos hacer por ahora.

Estipular un tratado de alianza separadamente con ese Gobierno, exigiría ponernos primero de acuerdo con Bolivia y aguardar cuando menos un año, para solicitar la aprobación de los respectivos Congresos y 6 meses para llegar al canje de las ratificaciones. Para entonces ya el tratado no sería útil para la Confederación, pues que su cuestión de límites con Chile habría tomado en ese intervalo proporciones desfavorables, porque para entonces las *fuerzas marítimas* de Chile no permitirían a los aliados hacer escuchar su voz e impedir la guerra, como podrían hacerlo hoy, asumiendo en último caso la actitud de mediador armado, si las circunstancias lo requiriesen. Por lo que respecta a la idea propuesta por el señor Tejedor, de solicitar la adhesión de Chile a ese pacto, del que hasta la fecha no tiene conocimiento, no creo que esta medida sería conveniente a los intereses de ninguno de los aliados.

El plan que a mi juicio debería seguirse, en las actuales cuestiones de límites, es el de interponer nuestros buenos oficios, si las cosas llegasen a un rompimiento, y proponer que los puntos cuestionados se sometan a arbitraje. Si los buenos oficios no fuesen aceptados, entonces hacerle conocer que asumimos el carácter de mediadores y que ligados, como nos hallábamos, por un tratado, tendríamos que ayudar con nuestras fuerzas, *si no se avenía a sujetarse a un arbitraje. Haciendo conocer desde ahora a Chile la existencia del tratado, lo único que se conseguiría es que prolongase sus negociaciones, para aumentar sus armamentos, por una parte, y promover, por otra, disturbios políticos en las repúblicas aliadas, a fin de que la alianza se hiciese ilusoria y los auxilios imposibles.* U. ve, pues, que ninguna ventaja se reportaría, sino por el contrario, si fuésemos a poner en conocimiento de Chile, la existencia del tratado. Sería un poderoso motivo para que ayudase con más eficacia todo movimiento revolucionario entre nosotros, y prestase constante apoyo material a todo lo que tendiese a debilitarnos y anarquizarnos. Si éstas han sido siempre sus tendencias, sólo por temor de que a la sombra de la paz adquiriera el Perú la posición que está llamado a ocupar en el Pacífico, esa sería su política franca ya, y el objetivo de todos los partidos y del país entero. No hay, pues, que ceder a esa insinuación del señor Tejedor y, por consiguiente, bien sea que ese Gobierno se adhiera al tratado, bien sea que se niegue a ello, desconociendo sus intereses, es preciso recomendar el mayor secreto.

* * * * *

J. DE LA RIVA-AGÜERO.

LEGACIÓN DEL PERÚ,
Buenos Aires, septiembre 24 de 1873.

Al Excmo. señor Doctor DON CARLOS TEJEDOR,
Ministro de Relaciones Exteriores de la República Argentina.

Señor MINISTRO: Los Gobiernos del Perú y Bolivia, deseando estrechar de una manera solemne los vínculos que unen a los dos Estados, con el objeto de garantizarse mutuamente su independencia, su soberanía y la integridad de sus territorios, celebraron en Lima, el 6 de febrero último, por medio de sus respectivos Plenipotenciarios, el Tratado de alianza defensiva, que el infrascrito tiene el honor de adjuntar a este oficio en copia auténtica.—Este Tratado que, mediante la aprobación de las Asambleas respectivas y el canje de las ratificaciones, verificado en La Paz, el 2 de julio último, ha llegado a ser un pacto perfecto, no entraña, como a primera vista lo comprenderá V. E., mira hostil o agresiva contra nación alguna determinada, ni intención ambiciosa contra el derecho ajeno. Al contrario, todas sus estipulaciones tienden al resguardo puro y simple de la autonomía e integridad territorial, contra cualquiera agresión extraña, y a prevenir siempre un rompimiento, evitando todo pretexto de guerra; pues, en el inciso 1.º del artículo 8.º, se consagra el arbitraje como el único medio justo y racional que debe adoptarse para la decisión de las cuestiones de límites.—Bajo este punto de vista, que es indudablemente del más alto interés, el Tratado importa la fijación de un gran principio en el Derecho Público Americano; y puede, por tanto, ser considerado como la prenda más segura de paz y de unión, no sólo entre el Perú y Bolivia, sino también entre los demás Estados americanos que lleguen a adherirse a él; y esto es tanto más importante en la actualidad, cuanto que, como sabe V. E., muchos de esos Estados tienen pendiente la designación de sus límites, pues aunque, por fortuna, las cuestiones que hasta ahora han surgido, no han llegado a tener un resultado funesto, no dejan, sin embargo, de ofrecer dificultades que más tarde pueden, tal vez, producir complicaciones y peligros serios, que a todo trance conviene evitar.—Comprendiéndolo así, las Altas Partes Contratantes, se reservaron el derecho de pedir la adhesión de otro u otros de los mencionados Estados y han acordado últimamente solicitar la de la República Argentina, según verá V. E., por los documentos que en copia auténtica también se acompañan.

Con tal fin, y no teniendo en la actualidad el Gobierno boliviano, acreditado en esta República ningún Agente Diplomático,

acordó con el del Perú conferir al infrascrito sus plenos poderes para el expresado objeto, como igualmente consta de los referidos documentos, y del poder en forma, que el infrascrito tendrá el honor de presentar oportunamente.—En esta virtud, el infrascrito, dando cumplimiento a las órdenes que a este respecto ha recibido, tiene la alta honra de solicitar a nombre de los Gobiernos del Perú y Bolivia, y por el digno conducto de V. E., la adhesión del Excmo. Gobierno de la República Argentina al expresado Tratado de alianza defensiva, celebrado en Lima, el 16 de febrero último.—Con sentimientos de alta consideración y distinguido aprecio, el infrascrito tiene el honor de suscribirse de V. E. el señor Ministro de Relaciones Exteriores de la República Argentina,

Atento y obediente servidor,

M. IRIGOYEN.

RESERVADA No. 70.

LEGACIÓN DEL PERÚ,
Rio Janeiro, julio 1 de 1874.

Sr. J. DE LA RIVA-AGÜERO,
Ministro de Relaciones Exteriores, Lima.

S. M.:Vengo, en cumplimiento de las órdenes de U. S., de hablar con S. E. el Ministro de Negocios Extranjeros de este Imperio, Vizconde de Caravellas, sobre el verdadero objeto y extensión del Tratado de 6 de febrero, y las declaraciones que a este respecto he hecho últimamente al gobierno de la Confederación Argentina.

* * * * *

El señor Vizconde, que conocía el Tratado y se encontraba al corriente del estado de la negociación, pero que ignoraba que la expresada declaración hubiese sido ya hecha y aceptada por el Gobierno argentino, recibió mis palabras con muestras de satisfacción; y me dijo, que el Gobierno Imperial no había creído nunca que el del Perú, para quien tenía la mejor amistad, hubiese celebrado ningún pacto con ánimo hostil al Brasil; pero que el misterio con que el Gobierno argentino había cubierto las sesiones secretas de las Cámaras Legislativas del año anterior y el armamento tan superior a sus recursos, que con tanta precipitación estaba haciendo ese Gobierno, y el gran interés que en fomentar complicaciones internacionales tenían muchos individuos, que en la guerra del Paraguay habían hecho grandes fortunas, eran las causas de que se hubieran creado algunos recelos sobre nuestras negociaciones con el referido Gobierno.

* * * * *

M. IRIGOYEN.

Lima, abril 22 de 1875.

Sr. Dr. D. MANUEL IRIGOYEN,

*E. E. y Ministro Plenipotenciario del Perú
en el Brasil y Repúblicas del Plata.*

Debe U. S. recordar las instrucciones que le fueron comunicadas al encargarle la importante misión que desempeña en el Brasil y Repúblicas del Plata, así como las que se le han dado posteriormente durante el curso de las negociaciones, encaminadas a conseguir la adhesión de la República Argentina al Tratado secreto de alianza defensiva, celebrado con Bolivia, el 6 de febrero de 1873. Debe U. S. tener presente también el *Memorándum* de mi antecesor, el señor de la Riva-Agüero; la ampliación de ese documento, que le fué enviada más tarde; y, finalmente, la *reserva* introducida, referente a las cuestiones que pudieran suscitarse entre el Imperio del Brasil y la República Argentina. Como U. S. sabe muy bien, el pacto de que dejo hecha referencia, lejos de ser hostil contra potencia alguna, tiende a evitar la guerra entre naciones ligadas por vínculos estrechos y que unieron, desde principios del presente siglo, sus esfuerzos para conseguir la independencia del Continente americano. Ese *Tratado puede llegar a ser, y es lo que ha pretendido el Perú al celebrarlo, la base más positiva de la Unión del Continente, que fueron antes colonias de España, procurando, mediante él, que se arreglen arbitrariamente, si no se consigue el común acuerdo, las cuestiones pendientes, por razón de límites y otras que puedan surgir entre las Potencias signatarias, garantizándose entre ellas la integridad de sus respectivos territorios y su soberanía e independencia.*

Por otra parte, no debe olvidarse *el interés que tiene el Perú en la conservación de la paz en América; pues no sólo vería con pesar la lucha entre naciones de un mismo origen, sino que podría encontrarse expuesto a complicaciones, cuyas consecuencias son fáciles de prever, o, cuando menos, a que sufriesen sus intereses comerciales, si lograra libertarse de aquéllas.*

En la actualidad, el estado de las relaciones entre Bolivia y Chile, entre Chile y la Confederación Argentina, y finalmente, entre esta República y el Imperio del Brasil, que U. S. conoce; la posibilidad de que las otras dos potencias del Plata, el Uruguay y el Paraguay, tomen parte en la lucha, q' parece inevitable entre las dos últimas naciones, sea en favor de la una o de la otra; las dimensiones que tomará naturalmente la guerra, cuando se

trata de los grandes intereses de esas dos potencias, y, por último, la prolongación de tal estado de cosas y el resultado definitivo que puede muy bien traer la ruptura del equilibrio americano, hacen indispensable el pronto regreso de U. S. a esos lugares, a fin de que pueda aprovechar de las circunstancias, con el tino y prudencia que estos asuntos demandan, para que la negociación pendiente obtenga un resultado favorable.

* * * * *

A. V. DE LA TORRE.

RESERVADA No. 7.

MINISTERIO DE RELACIONES EXTERIORES,

Lima, abril 22 de 1875.

Sr. Dr. D. MANUEL IRIGOYEN,

*E. E. y Ministro Plenipotenciario del Perú
en las Repúblicas del Plata.*

En nota de 7 de abril de 1874, se dijo a U. S. por este Ministerio, entre otras cosas, que a fin de hacer cesar la alarma que pudiera causar al Gobierno del Brasil la noticia de una alianza entre el Perú, Bolivia y la República Argentina, se hiciese constar en el protocolo de adhesión al Tratado de 6 de febrero de 1873, que “la alianza no se extendería a las cuestiones que, por razones políticas o de territorios, pudiesen suscitarse entre la Confederación y el Imperio del Brasil; sino que se circunscribiría a las cuestiones de límites entre las Repúblicas Argentina, Bolivia y Chile y a las demás que pudieran surgir entre los países contratantes.”

Si la primera parte de esta *reserva* se explica fácilmente, por la razón alegada de tranquilizar al Imperio, con el cual conservamos siempre la mejor armonía, no sucede lo mismo con la segunda, que una vez introducida, despojaría al pacto citado del elevado carácter, reduciéndolo a muy pequeñas proporciones. *U. S. sabe bien que el gobierno del Perú, al celebrarlo, tuvo más elevadas miras, pues está llamado a ser la base de la cordial unión de las naciones de nuestro Continente, procurando, en cuanto es posible, evitar una guerra, entre las de un mismo origen, y haciendo nacer una nueva era de Derecho Público para la América del Sur.* Mal puede, en tal concepto, circunscribirse a los objetos especificados en la segunda parte de la *reserva*, y el Gobierno no puede limitarse a ellos.

Es, pues, necesario que U. S., al formalizar la adhesión, introduzca únicamente en el protocolo respectivo o en notas reversales, como se había acordado, que “la alianza no se extenderá a las

cuestiones que, por razones políticas o de territorios, puedan suscitarse entre la Confederación Argentina y el Imperio del Brasil." De este modo, se habrá conseguido el objeto que el Gobierno se ha propuesto, y el Tratado conservará el elevado espíritu con que fué acordado.

Dios guarde a U. S.

A. V. DE LA TORRE.

RESERVADA No. 37.

MINISTERIO DE RELACIONES EXTERIORES,
Lima, agosto 14 de 1875.

Sr. Dr. D. MANUEL IRIGOYEN,
*E. E. y Ministro Plenipotenciario del Perú
en el Brasil y Repúblicas del Plata.*

Cuando después de la prolongada discusión que se ha sostenido entre el Gobierno de la Confederación Argentina y el de Chile, sobre la posesión del territorio patagónico, era de esperarse que se arribase, próximamente, a un arreglo pacífico y satisfactorio; los últimos despachos cambiados entre el Excmo. señor Pardo (38) y el Excmo. señor Blest Gana, (39), en el mes de junio del presente año, con motivo del proyecto de ley presentado a las Cámaras argentinas, para subvencionar la comunicación marítima entre Buenos Aires y las costas de la Patagonia, tocando en Chubut y al sud del río Santa Cruz, y para conceder terrenos a la empresa que haga ese servicio, hacen temer que surjan nuevas complicaciones y que pueda llegar la vez de que se altere la armonía que felizmente ha existido entre los dos países.

Las Repúblicas de este Continente, por su origen, su común esfuerzo para conseguir su independencia, la identidad de las instituciones que las rigen y otros vínculos posteriormente formados, están llamadas a estrechar cada día más sus relaciones y nada podría ser tan perjudicial y peligroso para ellas como el que llegasen a alterarse. *Por lo que hace al Perú, interesado como está en la conservación de la paz en América, sin pretender inmiscuirse en la cuestión que se ventila entre la República Argentina y Chile, no puede permanecer indiferente cuando amenaza un peligro tan serio, como el de que lleguen a un rompimiento dos naciones amigas, a las que se encuentra ligado por tantos vínculos.*

En tan desgraciada emergencia, fácil es comprender la naturaleza de los sacrificios a que ambas tendrían que resignarse, no obstante que, elevándose al origen de la cuestión, nada hay en ella que afecte su honra o su dignidad.

U. S. no ignora que la política de mi Gobierno, en sus relaciones externas, tiende siempre a conservar la más estrecha armonía con las demás naciones; pero, tratándose de las de una misma familia, creo que *la paz entre las Repúblicas de este Continente, es una necesidad imperiosa, de la que no puede prescindirse por interés de ellas mismas*, y considera de su deber, en la actualidad, interponer sus buenos oficios cerca de los Gobiernos de la República Argentina y de Chile, a fin de que, antes de llegar al caso extremo que se teme y cuyas consecuencias serían desastrosas para los dos países, se procure un arreglo pacífico y equitativo, poniéndose de acuerdo, o apelando al arbitraje de una tercera potencia, para dar término a la enojosa controversia que se sostiene, evitando, en uno y otro caso, todo acto que tienda a separarlas de la idea de una solución amigable. (40).

U. S. aprovechará de sus buenas relaciones con el Excmo. señor Ministro de Relaciones Exteriores de la Confederación Argentina, para manifestar estos sentimientos del Gobierno del Perú y cooperar al fin que se propone, aprovechando todas las ocasiones que se presenten para trabajar en el sentido indicado.

Puede U. S. dar lectura de este despacho a S. E. el señor Pardo y darle copia de él si la pidiere.

Dios guarde a U. S.

A. V. DE LA TORRE

No. 7

Treaty of Alliance between Peru and Bolivia. (Message transmitting Papers relating to the War in South America, 1882, Sen. Ex. Doc. No. 79, p. 209.)

The Republics of Bolivia and Peru, desirous to cement in a solemn manner the bonds that unite them, to increase thus their strength and mutually guarantee one another certain rights, have drawn up the present treaty of defensive alliance; to which end, the President of Bolivia has invested with ample powers to conduct the said negotiation, Juan de la Cruz Benavente, envoy extraordinary and minister plenipotentiary in Peru, and the President of Peru has conferred the same upon José de la Riva-Agüero, minister of foreign affairs, who have agreed upon the following stipulations:

ARTICLE I. The contracting parties will unite and join to mutually guarantee their independence, sovereignty, and the integrity of their respective territory, binding themselves by the terms of the present treaty to defend themselves against all foreign aggressions, whether proceeding from another or other independent state, or from a force without a flag, owing obedience to no recognized power.

ART. II. The alliance will become effective to protect the rights expressed in the preceding article and particularly in cases of offense consisting:

1st. In acts tending to deprive either of the contracting parties of a portion of their territory, in order to assume dominion over it; or to yield it to another power.

2d. In acts tending to oblige either of the contracting parties to submit to a protectorate, sale or cession of territory, or to establish over it any superiority, right, or pre-eminence whatsoever, which may injure or offend the full and ample exercise of its sovereignty and independence.

3d. In acts tending to do away with or change the form of government, the political constitution or the laws that the contracting parties have made, or may in future make, in the exercise of the sovereignty.

ART. III. As both the contracting parties admit that every legitimate act of alliance is based upon justice, for each of them

respectively, the right is established of deciding whether the offense inferred to the other is comprised amongst those mentioned in the preceding article.

ART. IV. The *casus fæderis* once declared, the contracting parties bind themselves to cease immediately their relations with the offending state; to hand their passports to its diplomatic ministers; to cancel the appointments of the consular agents; to forbid the importation of its natural and industrial products, and to close their ports against its ships.

ART. V. The same parties shall also appoint plenipotentiaries to adjust by protocol the arrangements necessary to determine upon the subsidies, the contingents of either sea or land forces, or the aid of whatever kind that must be lent to the republic which has received the offense; the manner in which the forces are to act and the assistance to be lent, and whatever else may be convenient for the defense. The meeting of the plenipotentiaries will take place in the place assigned by the offended party for that purpose.

ART. VI. The contracting parties bind themselves to provide the one offended with the means of defense of which each may consider it can dispose, though the arrangements pointed out in the preceding article may not have taken place, provided that they consider the case urgent.

ART. VII. The *casus fæderis* once declared, the offended party will not be able to make arrangements for peace, truce, or armistice without the concurrence of the ally who may have taken part in the war.

ART. VIII. The contracting parties bind themselves in addition :

1st. To employ with preference, whenever it is possible, every conciliatory measure in order to avoid a rupture or to put an end to the war, holding as the most effective the arbitration of a third power.

2d. Not to admit nor accept from any nation or government protectorate or superiority that may injure and lessen their independence or sovereignty, and not to yield up nor transfer in favor of any nation or government any part whatsoever of their territories, excepting in the cases of better demarkation of limits.

3d. Not to celebrate treaties of limits, or of other territorial arrangements, without the other contracting party first knowing of the same.

ART. IX. The stipulations of the present treaty do not extend

to acts performed by political parties or the result of internal disturbance independent of the intervention of foreign governments; inasmuch as the principal object of the present treaty of alliance being the mutual guarantee of the sovereign rights of both nations, none of its clauses must be interpreted in opposition to its primary end.

ART. X. The contracting parties will, separately or collectively, when by subsequent agreement they may consider it convenient, solicit the adhesion of another or other American states to the present treaty of defensive alliance.

ART. XI. The present treaty will be exchanged in Lima or in La Paz, as soon as it is legally perfected, and will remain in full force on the twentieth day after said exchange takes place. Its duration shall be for an indefinite period, each party reserving to itself the right of considering it as no longer existing when such shall be thought convenient.

In such a case the party desiring to annul the treaty must notify the other party of same, and the treaty will no longer have effect on the elapse of forty months from such notification.

In testimony whereof the respective plenipotentiaries signed it in duplicate and sealed it with their private seals.

Done in Lima on the sixth day of the month of February, one thousand eight hundred and seventy-three.

JUAN DE LA CRUZ BENAVENTE.

J. DE LA RIVA-AGÜERO.

Additional Article. The present treaty of defensive alliance between Bolivia and Peru shall be kept secret so long as the high contracting parties shall mutually agree that its publication is unnecessary.

RIVA-AGÜERO.

BENAVENTE.

No. 8

Statements respecting the knowledge possessed by Chile of the Treaty of Alliance. (*Gonzalo Bulnes*: "Guerra del Pacífico," Third Edition. Valparaiso, 1912, pp. 85 and 86.)

Page 85.]

The Chilean Minister in Buenos Aires, Blest Gana, was in that city when the sessions, in which the Triple Alliance was discussed, took place, and he transmitted to the Government, in cipher, the scanty and vague information he was able to gather. As time went on, the information grew more precise, until, on the 1st of November, 1873, he was able to communicate that the Argentine Government had submitted to the consideration of Congress the advisability of entering into an Alliance with the Republics of Bolivia and Peru in case of a probable war with Chile or with Brazil. Blest Gana added that the Lower House had approved Sarmiento's Message, with one dissenting vote.

Adolfo Ibañez, Minister of Foreign Relations in President Errazuriz Cabinet, communicated this notice to the Plenipotentiary in Lima, Joaquin Godoy, who replied on the 21st of November:

"I appreciate the full gravity of the matter to which your despatch refers and the importance attaching to ascertaining the exactness thereof. All my endeavors will be directed, as they are indeed directed, towards placing myself in a position to submit information to you, as full and trustworthy as possible."

* * * * *

Page 86.]

A short while later the Chilean government received the confirmation of the news, communicated by Blest Gana, through Brazil, which advised Ibañez in Santiago and our Minister in Buenos Aires that the Treaty of Alliance between Argentina, Peru and Bolivia against Chile had been approved.

March, 1874. "The supposed alliance of Peru and Bolivia," said Ibañez to Blest Gana, "which you mention in your confidential despatches of the 19th January, 12th and 26th of February, had been brought to the attention of my Government through several channels, and has been confirmed, in a confidential manner, by the Honorable Representative of Brazil in this Capital. Confronted by this fact, the gravity

of which cannot be overestimated, my Government is constrained, for the time being, to adopt no important decision while lacking definite information bearing on the designs, means and purposes of the Alliance."

It is very necessary to know how to read between the lines of Chilean diplomatic parlance. The time which Ibañez stated was required to ascertain the "designs, means and purposes of the Alliance" was that which he needed to secure the sailing of the ironclads from England where they were being built. During the whole of 1873, President Errazuriz had lived in a continual state of anxiety and had sent orders by cable to have the work on the ships continued day and night.

Nº 8

Afirmaciones sobre el conocimiento que tuvo Chile del tratado de alianza. (*Gonzalo Bulnes: "Guerra del Pacifico,"* tercera edición. Valparaiso, 1912, págs. 85 y 86.)

Pág. 85.]

El Ministro de Chile en Buenos Aires, Blest Gana, estaba en esta ciudad cuando se celebraron las sesiones en que se discutió la triple alianza, i transmitió al Gobierno en comunicaciones cifradas las pocas i vagas noticias que pudo recojer. A medida que el tiempo pasaba, las noticias se iban declarando i el 1º de noviembre de 1873 dió aviso que el Gobierno argentino "sometió a la consideracion del Congreso la idea de la conveniencia de celebrar una alianza con las republicas de Bolivia i Peru para el caso probable de una guerra con Chile ó con el Brasil." Blest Gana agregaba que la Cámara de Diputados habia aprobado el mensaje de Sarmiento con un voto en contra.

Don Adolfo Ibañez, Ministro de Relaciones Exteriores del Presidente Errazuriz, comunicó estas informaciones al Plenipotenciario en Lima, don Joaquin Godoi, quien le contentó el 21 de noviembre.

"Comprendiendo la suma gravedad del asunto a que esa nota se contrae i la importancia que tiene su esclarecimiento, todo mi conato se dirigirá, como está dirigido, a hallarme en aptitud de elevar a U. S. informes tan completos y fidedignos cuanto sea posible."

* * * * *

Pág. 86.]

Poco después el Gobierno de Chile tuvo confirmacion de lo que le habia comunicado Blest Gana, por medio del Brasil, el que hizo

saber a Ibañez en Santiago i a nuestro Ministro en Buenos Aires que se habia aprobado un pacto de alianza entre la Argentina, el Peru y Bolivia en contra de Chile.

“Marzo de 1874. La presunta alianza del Peru y Bolivia, le decia Ibañez a Blest Gana, de que U. S. me habla en sus despachos confidenciales de 19 de enero, 12 i 26 de febrero ultimos, habia llegado al conocimiento de mi Gobierno por diversos conductos, i ha sido confirmado de una manera confidencial por el honorable representante del Brasil en esta capital. En presencia de este hecho cuya gravedad no puede ser mayor, mi Gobierno se vé por ahora obligado a no tomar resoluciones importantes mientras carezca del conocimiento cabal de los propositos, medios y fines de la alianza.”

Hai que saber leer en el lenguaje diplomatico de Chile. El tiempo que se reservaba Ibañez para indagar “los propositos, medios y fines de la alianza” era el que necesitaba para hacer zarpar de Inglaterra los blindados en construccion. Todo el año 73 el Presidente Errazuriz habia vivido en continua zozobra, ordenado por telegrafo que se trabajara en ellos de dia y noche.

* * * * *

No. 9

**Declaration of the Chilean Historian, Ignacio Santa Maria, with
Regard to the Treaty of Alliance** ("Guerra del Pacifico."
Santiago, 1919, vol. 1, pp. 120 and 139.)

Page 120.]

With the opening of a new period of activity on the part of Peru to settle the matter of the adhesion of Argentina to the secret treaty of alliance during the last months of 1873, it was apparent that Bolivia was slipping away from the influence of the Lima government and that Brazil had succeeded in getting wind of the intrigues in Buenos Aires, that country's representative calling the Chilean Minister, Guillermo Blest Gana's, attention thereto. The latter revealed to the government at Santiago the fact that Peru, Argentina and Bolivia were engaged in schemes to secure an agreement directed against Chile, and furnished the broad outlines which had been communicated to him.

This circumstance could not be ignored by those (three) Governments, which did not doubt that, since the terms and aims of the negotiation were known, a mutual understanding would ensue between Brazil and Chile, and this would cause more exacting conditions on the part of the Argentine Government (*Note:* to adhere to Peru and Bolivia) especially in case the weighty advice, given by the Argentine Senate, were followed.

Page 139.]

The Chilean Government was fully aware, of that there is no doubt, that Peru and Bolivia were negotiating an agreement, but what it did not know was the precise stage the negotiations might have reached, because on account of the debate in the Argentine Congress relative to adhesion to the treaty, news thereof reached the Minister of Brazil in Buenos Aires, who promptly communicated it to the Chilean Representative. The latter then secured information upon the points which had been suggested as a basis of agreement between both countries, forwarded this to our Ministry and informed his Colleague, the Minister of Brazil, thereof. Blest Gana was ignorant of the text of the treaty, nor did he know that it was already concluded

between Peru and Bolivia. According to his information it was an agreement in process of negotiation to induce Bolivia to refuse to compromise and Argentina to dictate its terms for the settlement of the boundary question with Chile. This information belongs to October, 1873, and was forwarded to Sres. Godoy and Walker Martinez, Representatives of Chile in Lima and La Paz, respectively

* * * * *

Nº 9

Declaración del historiador chileno Ignacio Santa Maria sobre el Tratado de Alianza. ("Guerra del Pacífico." Santiago, 1919, tomo I, págs. 120 y 139.)

Pág. 120.]

Iniciado un nuevo período activo en la acción peruana para finiquitar la adhesión argentina al tratado secreto de alianza en los últimos meses de 1873, vióse que Bolivia se escapaba a la acción del Gobierno de Lima y que el Brasil lograba sorprender los manejos en Buenos Aires, cuyo representante llamó la atención sobre el particular al Ministro chileno, Blest Gana (don Guillermo), que dió la alerta al Gobierno de Santiago de tramarse allí, entre el Perú, Argentina y Bolivia un acuerdo contra Chile, indicando algunas de las ideas capitales, según referencias que se le habían hecho.

Esta circunstancia no pudo pasar desapercibida para aquellos Gobiernos, a los cuales no se les ocultaba que, conocidos los términos y propósitos de esas gestiones, se produciría mutua inteligencia entre el Brasil y Chile, que estimularía las exigencias del Gobierno de Buenos Aires, caso de obedecerse a las indicaciones producidas en el Senado argentino, de serias proyecciones.

* * * * *

Pág. 139]

El Gobierno de Chile supo, sin duda alguna, que el Perú y Bolivia procuraban un acuerdo, ignorando hasta donde pudo estar concertado, porque, con motivo de la discusión en el Congreso argentino del proyecto de adhesión a ese tratado, llegaron rumores de ello a conocimiento del Ministro del Brasil en Buenos Aires que los comunicó al Representante chileno. Este obtuvo indicaciones sobre los puntos que se señalaban como bases de acuerdo entre ambos países, que transmitió a nuestra Cancillería

y a su colega el Ministro del Brasil. No conoció Blest Gana el texto del tratado ni supo que estaba ya concertado entre el Perú y Bolivia. Según esos datos, era negociación en proyecto para inducir a Bolivia a resistir todo arreglo y a la Argentina para imponer la solución en la cuestión de límites con Chile. Estas indicaciones fueron de Octubre de 1873 y se transmitieron a los señores Godoy y Walker Martínez, representantes de Chile en Lima y en La Paz.

* * * * *

No. 10

**Communication from Sr. Daniel Ruzo, Peruvian Financial Agent
in London, 1872, Dealing with Chile's Naval Preparations.**
(*Pedro Irigoyen*: "La adhesión, etc.," p. 207.)

LONDON, 31st August, 1872.

TO THE MINISTER OF STATE IN THE DEPARTMENT OF FINANCE AND
COMMERCE.

SIR: With a certain amount of secrecy, reports are current in this city relative to the existence of a secret alliance between the Republics of Chile and Bolivia against Peru. The purpose attributed thereto is the seizure of our Department of Moquegua which would be annexed to Bolivia, who, for her part and in compensation for the assistance she would receive in the furtherance of this ill-advised undertaking, would hand over the territory of Mejillones, which belongs to her, to Chile and which the latter so openly covets.

Although this matter is by no means germane to the duties of the Commission, my duty as a citizen, jealous of the honor and territorial integrity of his country, demands that I should corroborate, in so far as concerns the Commission, the information or advices which the Supreme Government may have received on the matter through other channels.

The European newspapers which furnish news relative to the South American Republics, and which are not, indeed, very favorably inclined to Peru, constantly assert that there is ill-feeling between both republics; it is, however, a fact that at the present time the shipyards of Europe are building two protected frigates to Chile's order, and that the Chilean Naval Commission in charge of the work, does not, according to private advices, express itself in very friendly terms with reference to Peru.

The mere fact that Chile, a country which is not favored by an ample revenue, should undertake the construction of two protected frigates, is in itself very significant.

* * * * *

DANIEL RUZO.

Nº 10

Carta de Don Daniel Ruza, Delegado fiscal peruano en Londres, 1872, sobre los preparativos navales de Chile. (Pedro Irigoyen: obra citada, pág. 207.)

LONDRES, a 31 de agosto de 1872.

Señor MINISTRO DE ESTADO EN EL DESPACHO DE HACIENDA Y COMERCIO.

S. M.: Con algunas reservas se habla en esta ciudad de que las Repúblicas de Chile y Bolivia se encuentran secretamente aliadas en contra del Perú. El objeto que se les atribuye es arrebatara a nuestra patria el departamento de Moquegua, para que se lo anexe Bolivia, quien por su parte y en pago del auxilio que recibiría en esa desatentada empresa, cederá a Chile el territorio de Mejillones que le pertenece, y que Chile codicia tan manifestamente.

Aunque este asunto es del todo extraño al encargo de la Comisión, los deberes del ciudadano celoso de la honra e integridad de su patria me exigen, no obstante, confirmar por lo que respecta a la Comisión, los informes o avisos que sobre el particular reciba por otros conductos el Supremo Gobierno.

Los periódicos europeos que más se ocupan de las Repúblicas sudamericanas y que no se manifiestan, ciertamente, muy afectos al Perú, aseguran constantemente que hay mala inteligencia entre ambas repúblicas; la verdad es que se construyen actualmente para Chile, en los astilleros de Europa, dos fragatas blindadas, y que la Comisión de marinos chilenos encargados de esa obra, no se expresa, según informes privados, en términos muy amistosos respecto al Perú.

El simple hecho de que Chile, país que no cuenta con sobrados recursos fiscales, emprenda la construcción de dos fragatas blindadas, es por sí solo muy significativo.

* * * * *

DANIEL RUZA.

No. 11

Note from the Peruvian Minister to Bolivia in 1873, to the Peruvian Minister of Foreign Affairs, Treating of Chilean Policy.
(*Pedro Irigoyen*: "La adhesión, etc.," p. 208.)

PERUVIAN LEGATION IN BOLIVIA,
La Paz, July 21, 1873.

TO the MINISTER OF FOREIGN RELATIONS OF PERU.

SIR: I am enclosing herewith the last issue of the "Official Bulletin" of this Republic, containing the Note which the Chargé d'Affaires of Chile addressed to the Minister of Foreign Relations of Bolivia under date the 30th of June last, and Sr. Baptista's reply of the 3rd of this present month. Both refer to the Chilean-Bolivian issue, which I have already in confidential despatches duly communicated to you. Sr. Walker Martinez, whose friendship I have been able to win, told me yesterday that he had considered it necessary to reply to Sr. Baptista, as I previously communicated to you, and he obligingly read to me a copy of his despatch.

Although its perusal, as you will understand, was somewhat superficial, I believe that I can state that, after a short preamble, its purpose is to declare that his Government, in case of failure to carry out the agreements entered into with it, will proceed to act in the manner anticipated by Sr. Baptista, according to the statements contained in his (Baptista's) note, where he rejoices that the Government of Chile is imbued with the same convictions as that of Bolivia and that it will be guided by the same lofty ideals. "He states," in continuation, and adverting to the principal purpose of his (Walker Martinez') reply, "that he cannot consent, on his part, to the payment of half the salaries of the officials of the Departments of Finance and Justice stationed on the coast; and that he cannot understand why one article of the Agreement of the 5th of December should be considered as still in force or how it happened to have survived the general rejection (of this document) by the Assembly, for, in his conception, all of them should have fared equally," and he concludes with the "offer to communicate the contents of Sr. Baptista's Note to his Government but, expressing doubts as to the acceptance of the suggestions made with regard to this matter." On

the whole, the note is friendly. Sr. Walker Martinez told me, in addition, that his Government would not accept any such suggestion, for that clause of the covenant had been wrung from it by the force of special circumstances. He repeated to me that, upon the formal carrying out of the Treaty of '66, his Government would be willing to discuss it (the clause) if this were desired, but with the intention of substituting it for another, because it did not suit Chile's interests and, aside from other reasons, caused Chile to incur the odium of Bolivia with, up to the present, no compensatory advantages of any kind for his country. He gave me to understand that an arrangement which would do away with the joint Customs stipulation would be acceptable.

On account of the close relation which all these matters bear to one another, I am taking the liberty of including in one and the same despatch different incidents which should be brought to the attention of the Supreme Government.

On leaving Sr. Martinez house, I went to that of Sr. Querejaso, a leading merchant in this town, who was giving a dinner in my honor, at which among several well-known persons, I noticed one of the Ministers of State and the Consul General of Chile, Sr. Lorenzo Claro, who had just arrived from the interior. This gentleman stated at table that rumors in circulation in Cochabamba were to the effect that Peru and the Argentine Republic had allied themselves with Bolivia for the purpose of declaring war on Chile; adding that we had exacted as the price of our alliance the sum of three million "soles" from Bolivia.

For my part, while treating the information jocularly, I pointed out that Peru would never enter into any alliance for the purpose of attacking or offending another nation, for it was to her interest and desire, that all countries, especially those of America, should continue united.

Meanwhile, Claro's report would seem to indicate that the secret is not being guarded as well in Bolivia as it has been in Peru; and although I am convinced that until yesterday, the Chargé d'Affaires of Chile entertained no suspicions, the Chilean Consul Claro, by repeating what he states he had heard in Cochabamba, may be the means of arousing them. I shall endeavor to sound Sr. Walker Martinez and, if necessary, dissipate his alarm by asserting the truth; that Peru has not joined nor will she join any other power for the purpose of attacking Chile.

I must insistently reiterate that, in my opinion, Chile will endeavor to gain time *until the arrival of her ironclads*, to thus

enable her to attack Bolivia under favorable circumstances, being prevented from doing so now through fear of Peru. On the other hand it is regrettable that the Government of this Republic still fails to gauge the extent of its peril, delaying the adoption of the only solution and believing that it is more to its interests to allow the time to slip by in the hope of a peaceful conclusion, which, however, she will only be able to secure later, and then at the price of the sacrifice of her most vital interests. I have, for my part, made all possible representations on the subject to Sr. Baptista, but I have not succeeded, up to the present, in persuading him to alter his plans, for *the influence of high placed personages in the south*, added to others, whom I may succeed in discovering, is what is counselling the government to adopt this waiting policy, fraught, indeed, with much danger. Nevertheless, I do not abandon hope and I am working steadily in the desired direction. Be so good as to bring this despatch to the attention of His Excellency the President.

A. V. DE LA TORRE.

Nº 11

Nota del Ministro del Perú en Bolivia en 1873, sobre la política de Chile. (Libro de Pedro Irigoyen, pág. 208.)

LEGACIÓN DEL PERÚ EN BOLIVIA,

La Paz, julio 21 de 1873.

Al Sr. MINISTRO DE Relaciones Exteriores:

Acompaño á U. S. la última entrega del *Boletín Oficial* de esta República, en la que se registra la nota que el señor Encargado de Negocios de Chile dirigió al Ministro de Relaciones Exteriores de Bolivia con fecha 30 de junio anterior y la contestación del señor Baptista de 3 del presente mes. Ambas son relativas a la cuestión Chileno-Boliviana y en oficios reservados, he indicado a U. S. oportunamente su contenido.—El señor Walker Martínez, cuya confianza he sabido captarme, me dijo ayer que había creído necesario contestar al señor Baptista, lo que anteriormente comuniqué a U. S. y tuvo a bien leerme la copia de su despacho. Aunque esa lectura, como puede U. S. suponer, fué muy de ligero, creo poder indicar—que después de un corto preámbulo se contrae a manifestar que su Gobierno, siempre que no cumplan los pactos que con él se han celebrado, observará la conducta que el señor Baptista espera, según lo manifiesta

en su nota, al congratularse de que el Gobierno de Chile, tendrá iguales convicciones al de Bolivia, y que será guiado por las mismas miras elevadas.—“Dice, en seguida, contrayéndose al objeto de su respuesta, que él no consiente por su parte en el pago a medias de los sueldos de los empleados de Hacienda y Justicia del litoral,—que no sabe cómo puede estimarse vigente o no considerado en el veto de la Asamblea un artículo del convenio de 5 de Diciembre, pues según él todos deben correr igual suerte, y termina ofreciendo comunicar a su Gobierno el contenido de la nota del señor Baptista; pero dudando que se acepte la indicación hecha a ese respecto. Por lo demás el oficio es amigable.—El Sr. Walker Martínez, me agregó: que su Gobierno no aceptaría semejante indicación, pues aquella cláusula del convenio le fué arrancada por la fuerza de las circunstancias; me repitió que una vez dado cumplimiento al tratado del 66, procedería a su discusión si se deseaba, para sustituirla; por que no era conveniente para Chile, pues aparte de otras razones la hacía odiosa en Bolivia, sin conseguir hasta hoy provecho alguno para su país. Me hizo comprender q’ podría aceptarse una combinación que hiciera desaparecer la comunidad aduanera.—Por la íntima relación q’ tienen todos estos asuntos, me permito ocuparme en un mismo oficio de varios incidentes q’ conviene lleguen a noticia del supremo Gobierno.—Al salir de casa del señor Walker Martínez, pasé a la del señor Querejaso, comerciante fuerte de esta plaza que me obsequiaba con una comida, en la q’ entre otras personas distinguidas distinguí a uno de los señores Ministros de Estado y al Cónsul de Chile Sr. Lorenzo Claro, q’ acaba de llegar del interior.—Este señor dijo en la mesa: que en Cochabamba circulaba la noticia de que el Perú y la República Argentina se habían aliado con Bolivia para hacer la guerra a Chile; agregando que nosotros habíamos exigido tres millones de soles de Bolivia, por la Alianza. Por mi parte, manifestando burlarme de la noticia, indiqué que el Perú no formaría alianza con el objeto de agredir u ofender a otra Nación, pues estaba en sus intereses y deseaba que todas, especialmente las de América, se conservasen unidas.—Entre tanto el dicho de Claro parece indicar que el secreto no está tan bien guardado en Bolivia, como lo ha sido en el Perú; y aunque tengo la seguridad de que hasta ayer no tenía sospecha alguna el Encargado de Negocios de Chile, puede hacerla nacer el Cónsul Chileno Claro, repitiéndole lo que dijo haber oído en Cochabamba. Yo trataré de sondear al señor Walker Martínez y en caso necesario disiparé la idea, sosteniendo

la verdad, que el Perú ni se ha unido ni se unirá con otra potencia con el objeto de agredir a Chile.—Insisto en repetir a U. S., que a mi juicio Chile procurará ganar tiempo *hasta recibir sus blindados* y ponerse en aptitud de atacar a Bolivia en circunstancias ventajosas, no pudiendo hacerlo hoy por temor al Perú.—Por lo demás, es sensible que el Gobierno de esta República no comprenda todavía cuánto riesgo corre, no procurando una solución inmediata y cree que les es conveniente dejar pasar el tiempo con la esperanza de un arreglo pacífico, que sólo conseguirá más tarde, con gran sacrificio de sus intereses.—Por mi parte he hecho todas las reflexiones posibles sobre el particular al señor Baptista, pero no he logrado hasta hoy que varíe su plan, pues *influencias de personas notables del Sur* y otras, que tal vez conseguiré descubrir, arrastran al Gobierno a esta política de especulación, bien peligrosa por cierto. Con todo no desisto, y trabajo siempre en el sentido conveniente.—Dígnese U. S. poner este oficio en conocimiento de S. E. el Presidente.

Dios guarde a U. S.

A. V. DE LA TORRE.

Statement of Vicuña Mackenna Relative to the Cause of the War. (*Vicuña Mackenna*: "History of the Campaign of Tarapacá." Santiago, 1880, p. 32.)

Carried thither (Antofagasta) by the patriotic necessities of the war with Spain, young Francisco Puelma, an experienced and energetic worker in the exploitation of the Tarapacá nitrates, went into partnership (with J. S. Ossa), that year, in a prospecting company whose efforts were rewarded by the immense deposits of salpetre of Salar del Carmen. This enviable discovery, to whose extraordinary vicissitudes I shall have occasion to refer, was later to be the starting point of a continental struggle which was to assume the greatest proportions of any ever known among the nations of the Pacific.

Of all the special complications to which this matter gave rise, a minute account will be found in this veracious history. But though the development of their business was the cause of attracting life to the Chimba inlet (to-day Antofagasta) it was only when Caracoles was discovered that the Chilean population flocked there in sufficient numbers to invest it with the necessary factors to constitute a township, civilization and its obligations.

Hardly had these foundations been laid in the sands of the coast and the desert, when the inevitable rivalries of castes, of interests and preferences arose, which were fated to silently accumulate the smouldering material which has become to-day a devouring conflagration.

The war with Bolivia was therefore merely a question of time, from the moment when the prospector Cangalla came upon the first pieces of silver bearing rock on the slopes of Caracoles; as was bound to be equally inevitable and for identical reasons, a war with Peru, from the time the creeping rails and the exploitation of the nitrate beds attracted to the territory of that republic, in the manner of a human avalanche, an active, vigorous and intelligent race which was to be confronted with another, indolent, luxurious and demoralized by the climate and idleness.

Declaracion de Vicuña Mackenna sobre la causa de la guerra.
(Vicuña Mackenna: "Historia de la Campaña de Tarapacá."
 1880, Santiago, pág. 32.)

Llevado allí por las exigencias patrióticas de la guerra de España el jóven don Francisco Puelma, antiguo e impetuoso obrero en la esplotacion del salitre de Tarapacá, asocióse (con J. S. Ossa) en una compañía de descubrimientos en aquel año, i el resultado de sus esfuerzos fué la posesion de los vastos calichales del Salar del Cármén. De ese descubrimiento de codicia, sobre cuyas peregrinas aventuras habremos de volver mas adelante, tomaria arranque mas tarde la guerra continental de mas vastas proporciones conocida entre los pueblos del Pacífico.

De las complicaciones especiales a que ese negociado dió lugar habrá de darse cuenta minuciosa en esta historia de comprobaciones. Pero, si bien comenzaban a establecerse sus faenas comunicando alguna vitalidad a la caleta de la Chimba, solo cuando ocurrió el descubrimiento de Caracoles afluyó a aquellos centros la población chilena en el número i con los elementos que podrian constituir una sociabilidad política, un pueblo, una civilizacion.

I apénas hubo ésta enclavado sus reales en las arenas del Litoral i del desierto mediterráneo, estalló la inevitable rivalidad de castas, de intereses i de afecciones que debia ir acumulando sordamente el combustible subterráneo que hoy es voraz hoguera.

La guerra con Bolivia fué, por esto, simple cuestion de tiempo, desde que el cateador *Cangalla* encontró el primer rodado arjentífero en las lomas de Caracoles, como habria de ser inevitable i análoga la guerra con el Perú, desde que el trabajo de los rieles i la escavacion del salitre atrajo al territorio de aquella República, a manera de alud humano, una raza activa, vigorosa e intelijente que iba a encontrarse frente a frente de otra perezosa, muelle i desmoralizada por el clima y por el ocio.

No. 13

Opinion Expressed by and Contained in the Circular Issued by Sr. J. M. Balmaceda, Minister of Foreign Affairs of Chile, Dated the 24th December, 1881, respecting the Direct Cause of the War. (Report of Foreign Affairs of Chile, 1882, p. 53.)

The war indemnity payable in territory was imposed by the stern and inevitable law of necessity.

The territorial addition was intended also to ensure the safety of Chile, for reasons both lawful and real.

The nitrate bearing territories of Antofagasta and Tarapacá, were the real and direct causes of the war. To give back to the enemy authority over the very cause of the struggle, after our triumphs and after having enjoyed possession of these same territories, would have been an unpardonable want of foresight and shown a complete lack of that knowledge of affairs required in State matters.

Those territories are mainly supported by Chilean citizens, their capital and labor, and neither the Bolivian territories occupied by us, nor the region of Tarapacá, which has a vigorous life due to the enormous preponderance of our citizens established in those places, require a single soldier to maintain Chilean authority.

Nº 13

Concepto contenido en la Circular de D. J. M. Balmaceda, Ministro de Relaciones Exteriores de Chile, de 24 de diciembre de 1881, sobre la causa directa de la guerra. (Memoria de Relaciones Exteriores de Chile, 1882, pág. 53.)

La indemnización de guerra pagada en territorio estaba impuesta por la lei fatal e indeclinable de la necesidad.

El ensanche territorial consultaba tambien la seguridad de Chile por razones tan evidentes como legítimas.

El territorio saliteero de Antofagasta i el territorio salitrero de Tarapacá, fueron la causa real i directa de la guerra. Devolver al enemigo el dominio de la cause misma de la contienda, despues de nuestros triunfos i de la posesion de aquellos territorios, habria

sido una imprevisión injustificable, y una falta absoluta del conocimiento que suponen las cuestiones de Estado.

Aquellos territorios estan principalmente sostenidos por el capital, el trabajo y la poblacion chilena. Ni los territorios de Bolivia ocupados por nosotros, ni la region de Tarapaca necesitan un solo soldado para mantener la autoridad de Chile, que se conserva vigorosa por la inmensa mayoria de nuestros nacionales radicados en aquellas localidades.

No. 14

Opinion of Sr. Francisco Valdez Vergara upon Chile's Policy of Conquest in Relation to Her Financial and Economic Situation. ("The Economic and Financial Situation of Chile." Valparaiso, 1894, p. 105.)

* * * * *

We have established the right of conquest in Spanish America to our own detriment, just as we have resurrected the revolutionary spirit in internal politics; to weaken our institutions and ruin our credit. Such were not the intentions of the statesmen who, in 1879, were obliged to undertake a foreign war; nor that of the politicians who, in 1890, prepared or provoked the civil war; but, although the intentions were honorable and patriotic, the fatal course of events has drawn us into a situation which nobody could term satisfactory. We have lost, in the eyes of other nations, the advantages which fifty years of peace and wise government had given us: we have lost in our own estimation, likewise, that which is most vital in a people for the proper conduct of their affairs: their self-respect and confidence in their future.

We inherited from our forebears a happy and respected nation; we, on the other hand, will leave our sons an inheritance torn by unworthy dissensions, unsettled by an opulence both fleeting and corrupting, an example to all the American continent of the ruin of a people.

Nº 14

Declaracion de D. Francisco Valdez Vergara sobre la politica de conquista de Chile en relacion con su situacion economica y financiera. ("La Situacion Economica y Financiera de Chile." Valparaiso, 1894, pág. 105.)

* * * * *

Establecimos el derecho de conquista en la America Española para perdernos nosotros mismos, así como restablecimos el espíritu revolucionario en nuestra política interna para debilitar nuestras instituciones y destruir nuestro crédito. No fueron estas las

intenciones de los gobernantes que en 1879 se vieron obligados a aceptar la guerra internacional, ni las de los políticos que en 1890 prepararon o provocaron la guerra civil; pero, aun cuando los propositos fueron rectos y patrioticos, el desarrollo fatal de los acontecimientos nos ha arrastrado a una situacion que nadie puede encontrar satisfactoria. Hemos perdido ante las semas naciones el credito que nos daba cincuenta años de paz y de prudencia en la administracion; ante nosotros mismos hemos perdido lo que mas necesita un pueblo para conducirse dignamente: el respeto de si mismo y la seguridad de su porvenir.

Recibimos de nuestros antepasados una patria feliz y respetada; en cambio, vamos a dejar a nuestros hijos una patria agitada por pasiones mezquinas, perturbada por una riqueza tan fugaz como corruptora y señalada en todo el Continente americano como ejemplo de la perdicion de un pueblo.

No. 15

Military Power of Chile, Peru and Bolivia. (*Markham*; "The War Between Peru and Chile." London and Edinburgh, p. 93.)

NAVAL AND MILITARY STRENGTH OF THE THREE REPUBLICS.

The contest between Peru and Chile was one, the result of which depended entirely upon the possession of the sea. All the Peruvian railways were at right angles with the coast, and there were no means of conveying troops except by sea. The distances are enormous, and the marches are over vast desert tracts, without shade or water, the fertile valleys occurring at long intervals. Consequently an invader in possession of the sea can select his point of attack at pleasure, and, so far as the region between the Andes and the sea is concerned, its conquest is then only a question of time.

Chile had been quietly but busily increasing and strengthening her navy for the last six years; and when she declared war upon her neighbors it was very formidable. It consisted, in the first place, of two powerful ironclads of the newest construction, which were designed by Reed, and built at Hull in 1874-75. These are the sister ships *Almirante Cochrane* and *Blanco Encalada*, of 3560 tons, and 2920 horse-power. They carry six 9-inch M. L. Armstrong guns of 12 tons, some light guns, and two Nordenfeldt machine guns. The armour is nine inches thick at the water-line, and six to eight inches round the battery. During the war they only had lower masts and fore-yards, with iron shields round the tops. They are both fitted with twin screws.

Chile also had two sister corvettes, the *Chacabuco* and *O'Higgins*, of 1670 tons and 800 horse-power, armed with three 150-pounder, 7-ton Armstrong guns, and four 40-pounders; the *Magallanes*, armed with one 150-pounder and two small guns; the *Abtao*, an old corvette with three 150-pounders; the *Covadonga*, a wooden screw gun-boat (captured from Spain in 1866) of 600 tons, and armed with two 70-pounders and three small guns; the *Esmeralda*, a wooden corvette, built in 1854, of 850 tons, carrying twelve 40-pounders on the upper deck; and ten steam transports.

While Chile had been arming, Peru, in order to mitigate her financial difficulties, had been retrenching. In 1878 we find her turret-ship conveying a commission of scientific naval officers to

Paita, consisting of Captain Camilo Carrillo, the Director of the Naval School,¹ and Professor of Astronomy and Spherical Trigonometry at the Lima University, two commanders, two lieutenants, and two students of the Naval School, to observe the passage of Mercury over the sun's disc on the 6th of May. The Peruvian navy was particularly interested in this observation, because it was the same by which the illustrious Humboldt decided the longitude of Lima in 1802. Training schools were being established at Callao; young officers, such as Juan Salaverry and others, were turning their attention to the survey of navigable affluents of the Amazon. The thoughts of the service were rather of peaceful scientific work than of war. No new men-of-war had been obtained within the last ten years. The existing vessels were of old type, and none could successfully cope with the new ironclads of Chile.

The Peruvian turret-ship *Huascar* was built at Birkenhead by Messrs. Laird in 1866. She is 200 feet long, 1130 tons, and 300 horse-power. The armour round her revolving turret is only five and a-half inches in thickness, and there is a belt of four and a half inches. Such armour was worse than useless against the fire of the Chilian ironclads, for the shells penetrated and burst inside. She was armed with two 10-inch Dahlgren 300-pounders and two 40-pounder Whitworths. Peru also had a broadside ironclad of the old type, built in London in 1865, under instructions from Captain Garcia y Garcia. This was the *Independencia*, 215 feet long, 2004 tons, and 550 horse-power, with only four and a half inch armor. She was armed with twelve 70-pounders on the main deck, and two 150-pounders, four 32-pounders, and four 9-pounders on the upper deck. There were also two wooden corvettes. Of these, the *Union*, was 242 feet long, 1150 tons, 400 horse-power, armed with twelve 70-pounders and one 9-pounder. She was capable of going thirteen knots. The *Pilcomayo* is properly the *Putumayo*, an Amazonian affluent, after which she was to have been named. It was a mistake of the painter. She is 171 feet long, 600 tons, 180 horse-power, and was armed with ten guns—two 70-pounders, four 40-pounders, and four 12-pounders.

¹ The Peruvian naval school was established in 1870. The number of students was thirty; and there were four exhibitions of \$16 a month enjoyed by four of the students. A preparatory school on board the steamer *Meteoro*, of which Captain Carrillo was also director, was opened in 1874: and there were 140 students.

These four vessels composed the Peruvian navy, for the antiquated monitors *Atahualpa* and *Manco Capac* must not be included in the list of sea-going ships. They were sister ships, built in the United States, and purchased at an extravagant price in 1869. They were 253 feet long and 2100 tons, with ten inches of iron armor on the turrets. The turrets were armed with two 15-inch smooth-bore Rodman guns. These structures were nothing more than floating forts. The *Atahualpa* was permanently stationed at Callao, and the *Manco Capac* at Arica.

The two Chilean ironclads, if well manned and properly handled, were much more than a match for the navy of Peru. The Chileans had double the number of vessels, twice the aggregate tonnage, and more than double the weight of metal. The Chilean fleet had some officers who had served for a few years in the English navy. Several were of English extraction, and the number of English names that occur in the Chilean official war despatches is surprising; such as Condell, Cox, Christie, Edwards, Leighton, Lynch, Macpherson, Pratt, Rogers, Simpson, Smith, Souper, Stephens, Thomson, Walker, Warner, Williams, Wilson, and Wood.

The Chilean army, though on a peace footing, had been very carefully trained for active service, and supplied with the latest inventions and improvements. The Chilean lower orders are descendants of half-castes; all speak Spanish, and they have lost all tradition of their Indian ancestry. They make good fighting machines, and were in a fairly respectable state of discipline. But they are without pity or scruple when excited by drink and success. Their cruelty was only too surely proved by the extraordinary proportion the dead bore to the wounded on the fields of battle. They were well clothed and fed, their uniform being a tunic, trousers, and cap, made of a sort of *karker* or brown holland, and a pair of untanned, brown leather boots, well adapted for the kind of country over which they had to march. They were armed with the Gras or Comblain rifles, both good weapons.

The Chilean cavalry are fine stalwart fellows, admirably mounted, and armed with sabres and Winchester repeating rifles. They are much brutalized by harassing warfare with the Araucanian Indians, and seldom give quarter. The artillery are especially effective, with well-found accoutrements and mules in fine condition. Their field-guns, of European manufacture, are principally Krupps and Armstrongs, and they also have Gatling and Nordenfeldt machine guns. Their 12-pounder Krupp guns

have a range of 4000 yards, so that they can commence an action by heavy artillery fire which cannot be returned. These enormous advantages over the Peruvian troops are sufficient to account for the success of the Chilean operations. When on a peace footing the army of Chile consisted of 2500 infantry, 800 artillery, and 700 cavalry; besides a large force of 25,000 national guards or militia, which was raised to 55,000 on the declaration of war. The Atacama and Copiapo militia regiments were mainly composed of miners; the Navales were boatmen from Valparaiso, whilst the Valparaiso regiment was recruited from mechanics of that town.

When the war broke out the Peruvian army had, on the other hand, been very considerably reduced. In 1860 the army consisted of 9500 men and 3940 gendarmerie; and in 1870 of 12,000 men. Don Manuel Pardo, on succeeding to office in 1872, made great reductions, retaining only a small effective force. So that in 1879, although there had since been an increase, the nominal numbers were only 4500; five battalions of infantry of 500 officers and men each, three regiments of artillery (1000 officers and men), two brigades of cavalry (780 officers and men), besides 5400 gendarmerie. The force cannot be homogeneous as the infantry is mainly composed of pure Inca Indians speaking Quichua, the cavalry and artillery of negroes or half-castes. The dress of the infantry is white-cotton cloth, and they were armed with the Martini-Peabody rifle. The very small force of cavalry was wretchedly mounted, but the negro horsemen are often muscular fellows, accustomed to the management of horses and mules. They were armed with Winchester repeating rifles. The artillery was almost useless against the Krupp guns of Chile. It mainly consisted of field-guns of Lima manufacture, and of a very inferior kind. The rations of the Peruvian soldiers were ample, being $1\frac{1}{2}$ lb. of beef daily, besides a pound of bread and vegetables.

* * * * *

No. 16

Military Condition of Peru upon the Declaration of War. (W.

Ekdahl: "Historia Militar de la Guerra del Pacífico." Santiago, 1917, pp. 60, 62, 64 and 65.)

Page 60.]

Just as in Chile, the mobilization of the Peruvian army took the shape of a series of successive improvisations. The War had taken the Peruvian government by surprise, but as soon as it was found to be impending, great and commendable activity was displayed to put the National Defense on a war footing.

From the beginning of March, 1879, troops were hurriedly assembled in Lima, men being sent, voluntarily or under compulsion, from the Highlands (Sierra). In April the forces in Tarapacá were considerably increased; Tacna and Arica were garrisoned and fortifications erected to make the port of Arica a naval station for the fleet. Armament, ammunition and other military stores, which the Peruvian government had urgently purchased abroad at the price of considerable pecuniary sacrifices, were already beginning to arrive via Panama.

* * * * *

Page 62.]

All the Peruvian ships were in very bad condition, to such an extent that it was out of the question that the Peruvian fleet should think of beginning hostilities, the ships specially needing new boilers and having their bottoms hogged, and their artillery partly brought up to date.

This work was at once undertaken, but the dock and shipyards at Callao could only carry out these operations alternately. The *Huascar* was put into dry dock to have her bottom hogged, while the *Independencia* received her new artillery. Upon the return of the *Union* from Iquique, where she happened to be when war broke out, and where she was succeeded by the *Pilcomayo*, she was quickly overhauled, especially with regard to her boilers. The bottoms of the two heavy monitors were also hogged.

* * * * *

Page 64.]

But from all trustworthy accounts, including those from Minister Godoy, the Callao batteries, at the beginning of the

war, were completely dismantled; work was therefore at once begun to put them on a war footing.

We have already referred to the manner in which the work of fortifying the port of Arica was likewise undertaken, to provide the fleet with another base, nearer the manufacturing centres of Tarapacá, than that of Callao.

But none of these matters, such as the putting up of fortifications and repairing the ships, could be completed from one day to another. Langlois states that "on the 5th of April, the Peruvian ships were still almost unarmed and the defenses of Callao still unmounted."

* * * * *

Page 65.]

Captain Langlois (Chilean) in his work, draws the following comparison between the navies of Chile and Peru:

"Briefly analyzing the naval forces of the belligerents, we are able to positively state that Chile's forces were practically superior, both as to units and as to personnel of the ships. The *Cochrane* and the *Blanco* were far superior to the *Huascar* and *Independencia*, both in artillery and in protective armour and in their general condition as fighting ships; the *Manco Capac* and *Atahualpa* were floating batteries which could not navigate further south than Arica; as to light vessels, we were at a disadvantage regarding speed: we had more ships, but only one could be added to convoys with the ironclads—the *Magallanes*—as against the two Peruvians, *Union* and *Pilcomayo*. While as to our wooden ships, the *Esmeralda*, *O'Higgins*, *Chacabuco*, *Abtao* and *Covadonga*, their boilers were in such a wretched condition that the most that could be got out of them was 6 or 5 miles.

"We must point out that this comparison between the fleets refers to the time when the repairs had been concluded on the Peruvian ships, that is to say during the middle of May. We already know that during the five weeks which elapsed between the declaration of war against Peru, on the 5th of April, and the sailing of the Peruvian fleet from Callao on the 16th of May, this fleet was unarmed and quite incapable of putting out to sea."

* * * * *

Situacion militar del Peru al declararse la guerra. (*W. Ekdahl: "Historia Militar de la Guerra del Pacifico."* Santiago, 1917, págs. 60, 62, 64 y 65.)

* * * * *

Pág. 60.]

Como en Chile, la movilizacion del Ejercito peruano fué un proceso de improvisaciones sucesivas. La guerra habia sorprendido al Gobierno peruano; pero, apenas la vió venir, desarrollo una energía muy notable para poner como mejor pudo en pie de guerra su defensa nacional.

Desde principios de marzo de 1879 se acopiaban soldados en Lima con la mayor actividad, sacando hombres de la sierra, de grado o por fuerza. En abril, las fuerzas de Tarapacá fueron reforzadas considerablemente; se guarneció a Tacna y Arica; se ejecutaron fortificaciones para hacer del puerto de Arica un apostadero para la Escuadra. Por Panamá principiaron ya a llegar los armamentos, municiones y demas pertrechos de guerra que el Gobierno peruano habia comprado con el mayor apuro y grandes sacrificios económicos en el extranjero.

* * * * *

Pág. 62.]

Todos los buques peruanos estaban en mal estado, hasta el grado de que era enteramente imposible que la Escuadra peruana pensara en entrar inmediatamente en campaña; sobre todo necesitaban sus buques cambiar calderos, limpiar los fondos y reemplazar en parte su artilleria.

Inmediatamente se procedió a ejecutar estos trabajos; pero el dique y las maestranzas del Callao solo podian ejecutar estas operaciones alternativamente. El *Huascar* entró al dique para limpiar sus fondos; al mismo tiempo que la *Independencia* cambiaba su artilleria. Apenas volvió la *Union* de Iquique, en donde se encontraba al estallar la guerra i donde fué reemplazada por la *Pilcomayo* fué puesta en activa reparacion especialmente en sus calderos. Tambien se limpiaron los fondos de los dos monitores pesados.

* * * * *

Pág. 64.]

Pero, segun todas las noticias autenticas, como las del Ministro Godoi, las baterias del Callao se encontraban casi completamente

desmanteladas al comenzar la guerra; se iniciaron, pues, acto continuo, los trabajos para ponerlas en pié de guerra.

Ya hemos dicho como se principiaron tambien los trabajos de fortificacion del puerto de Arica, para proveer así a la escuadra con otro apostadero que estuviese mas cerca de los centros industriales de Tarapacá que el del Callao.

Per ninguno de estos trabajos de construccion de fortificaciones y de reparaciones de los buques podian ser completados de un día al otro: Todavía "el 5 de abril los buques peruanos estaban casi desarmados i las baterias del Callao desmontadas," dice Langlois.

* * * * *

Pág. 65.]

El capitán (chileno) Langlois, en su citado libro, hace la siguiente comparación entre las Escuadras de Chile y del Perú:

Analizando brevemente las fuerzas navales de los beligerantes, podemos dejar sentado que *Chile poseia prácticamente la superioridad de fuerzas, tanto material como en sus tripulaciones*. El *Cochrane* i *Blanco* eran muy superiores al *Huascar* e *Independencia*, tanto en su artilleria como en proteccion y condiciones generales de buque de combate; el *Manco Capac* y el *Atahualpa* eran baterias flotantes que no podian navegar mas al sur de Arica; en el material de buques ligeros estábamos en mui desventajosa situacion respecto al andar: teniamos mas buques, pero solo uno de ellos podia navegar en convoy con los blindados, la *Magallanes*, contra los dos peruanos *Union* y *Pilcomayo*. Entre los barcos de madera poseiamos, la *Esmeralda*, la *O'Higgins*, *Chacabuco*, *Abtao* y *Covadonga*, estaban con sus calderos tan en mal estado que no podian dar mas de 5 o 6 millas.

Advertimos que esta comparacion entre las escuadras se refiere a la época en que los buques peruanos *habian terminado sus reparaciones*, es decir, a mediados de mayo. Ya sabemos que durante las cinco semanas trascurridas entre la declaracion de guerra al Peru el 5.IV. i la salida de la Escuadra peruana del Callao el 16. V., esta Escuadra estaba desarmada i era enteramente incapaz de salir a la mar.

* * * * *

No. 17

Minister Christiancy's Dispatch, Dated May 12, 1879, Bearing upon the Financial Situation in Peru and the Inferiority of Her Fleet. ("Foreign Relations of the U. S., 1879," p. 875.)

No. 13.]

LEGATION OF THE UNITED STATES,
Lima, Peru, May 12, 1879. (Received June 9.)

* * * * *

The Chilian fleet has completely put an end to the shipping of guano and nitrates, both held as government monopolies until now, and worked by neutrals on government account, the proceeds of which constituted the principal source of public revenue. The same fleet has bombarded some of the small towns along the southern coast, and established a blockade, which, however, is not kept up by the presence of an adequate force. They have also cut the cable, first at Iquique, and a few days past at Arica; and now, as the papers report, have prohibited the sending of messages in cipher by the cable, over which they have control, by any parties but the officers of their government.

Many of the operations of the Chilian fleet have probably been carried on, in part at least, for the purpose of provoking the Peruvian fleet to come out from the harbor of Callao and meet them on the open sea, away from the protection of the powerful forts and batteries by which this port is protected.

The Peruvians have been constantly repairing, strengthening, and fitting out their fleet, and there are now some indications of their undertaking some enterprise at sea.

While matters remain in their present condition upon the water, there is very great difficulty in bringing the opposing land armies near enough to each other to inflict any injury upon either. The desert of Atacama separates them, and it is very difficult, if not impossible, to transport an army or its supplies across it. This difficulty, while the Chilians dominate the sea, operates most injuriously upon Peru and Bolivia, as, from the nature of the country between the Andes and the sea, and that in the interior, among or between the two ranges of the Andes, the march of armies and the transportation of supplies are necessarily tedious.

* * * * *

In the meantime, the effect of the war upon the finances has been most disastrous. Government paper, which is practically the only currency known here, and had sunk to less than 50 per

cent of its nominal value before the war, has been sinking very rapidly since. The greatest reliance for its redemption was upon the guano and the nitrates, and these being cut off at the same time that immense expenditures are called for, for the support of the war, it is difficult to find methods of keeping up the public credit or supporting the operations of war.

The citizens have in great numbers enthusiastically tendered a large proportion of their wealth to support the war; but help from this source will be but temporary, or not in sufficient amount, though the war is popular with all classes.

The plan which seems just now most likely to be adopted by the government is that of issuing 8,000,000 of paper soles, in addition to the 17,000,000 already out.

Under the influence of all these causes, the paper sole (whose nominal value was equal to five francs in silver) had, when I arrived here, a month since, so far depreciated that it was worth slightly less than 20 pence in exchange on London, which consisted of drafts at ninety days' sight, equal to 120 days' date, and today the paper sole is worth, in that kind of exchange, only 16 pence, and even a little less. The American double eagle will, for limited amounts of a few thousand dollars, today purchase from 58 to 60 soles paper.

The effect upon neutral shipping, especially that engaged in the shipment of the guano and nitrates, has been still more disastrous; nothing short of ruinous. The whole business is utterly destroyed; the loss falls heaviest, it is true, upon British ship owners, most of these products being shipped to that country; but a large number of American ship owners were engaged in the same trade, under charter parties taken from an English company, describing themselves as agents of the Peruvian Government, by which the ship owners were made to assume all the risks of war. Some of these had part of a cargo on board, some waiting to begin loading; but all were compelled to leave, and the works were destroyed.

The government seems to wish to act in entire good faith, and gives notice that all these vessels may abandon the contract with the government or wait till the government can open other deposits, which they are attempting to do; that any vessel partly loaded may proceed to deliver at the port of destination in England what it has on board or put it on any other vessel for that purpose, etc.; or it may abandon the contract.

* * * * *

I, P. CHRISTIANCY.

No. 18

Communication from the Chilean Colonel José Velasquez to Sr. J. Novoa, April 12, 1879, Dealing with the Superiority of the Chilean Fleet. (From "Correspondencia de Dn. Antonio Varas sobre la Guerra del Pacífico." Santiago, 1918, p. 30.)

ANTOFAGASTA, April 12, 1879.

* * * * *

There is no doubt whatever that the line of the Loa lost its primitive importance once war was declared on Peru, but it will always play an important part during this campaign, since it is the only recourse in the desert. The latter, without also including the coast, cannot be occupied by any army, except at the cost of immense sacrifice and expense, which our enemies will never be able to make; so the desert really belongs to us.

The war with Peru will effect a change in the field of action and it will be given to our Navy to play the dominant part (tendrá la palabra en primer término).

I cannot agree to the blockade of Iquique. If any result is achieved, it will be, to my mind, of no importance worth considering. To take Iquique with the fleet and land two or three thousand men, taking the garrison prisoners, this would indeed be a blow to the Peruvians.

What appeals to me above anything else would be to blockade Callao but not attack it. Our fleet is immeasurably superior to that of the Peruvians at sea, therefore the Peruvian ships being blockaded in Callao, all the southern coast would be ours, and then, and with no danger, we could blockade the enemy's ports with a single ship and a single gun.

The two ironclads, the two corvettes and the *Esmeralda* are more than sufficient to prevent the sailing of the Peruvian fleet from Callao. We would still have left the *Magallanes*, the *Abtao*, *Toltén* and *Covadonga* to blockade the other ports, to act as couriers or, with the addition of two or three more steamers, to transport the troops of our army to that point of Peru which would be necessary.

People here are already beginning to ask "Is the war being waged for the Motherland or for the nitrates" (Se hace la guerra por la *Patri* o por el *salitrí*?).

* * * * *

Carta del Coronel chileno José Velásquez a D. J. Novoa, abril 12 de 1879, sobre la superioridad de la escuadra chilena. (Correspondencia de D. Antonio Varas sobre la guerra del Pacífico. Santiago, 1918, pág. 30.)

ANTOFAGASTA, *abril 12 de 1879.*

* * * * *

Sin duda ninguna la línea del Loa perdió su primera importancia una vez declarada la guerra al Perú, pero siempre tendrá que representar en esta campaña un papel importante, desde el momento que es el único *recurso* en el desierto. Este sin el litoral no puede ser ocupado por ningún ejército, a no ser con inmensos sacrificios y gastos que jamás podrán hacer nuestros enemigos. Así, el desierto nos pertenece.

La guerra al Perú hará cambiar el campo de acción y nuestra marina tendrá la palabra en primer término.

No acepto el bloqueo de Iquique. Si da algún resultado, a mi juicio será insignificante. Tomarse a Iquique con la Escuadra y un desembarco de dos o tres mil hombres, ese sería golpe para los peruanos, quedando prisionera su guarnición.

Lo que me gustaría más que todo es el bloqueo del Callao sin atacarlo. Nuestra Escuadra es inmensamente superior en alta mar a la peruana, por consiguiente, encerrado los buques peruanos en el Callao, difícilmente saldrían a medirse con los nuestros. Mientras tanto Chile sería único dueño del Pacífico. Cerrado el Callao, todo el litoral del Sur nos pertenece y entonces, sin cuidado ninguno, podemos bloquear sus puertos con un solo buque y con un solo cañón.

Los dos blindados, las dos corbetas y la *Esmeralda* son más que suficientes para impedir la salida de la escuadra peruana en el Callao. Nos quedan todavía la *Magallanes*, *Abtao*, *Toltén* y la *Covadonga* para bloquear otros puertos, para correos o para, con dos o tres vapores más, transportar fuerzas de nuestro ejército al punto del Perú que se quiera.

Ya hay gente que dice por acá: "se hace la guerra por *la patri* o por el *salitré*."

* * * * *

No. 19

Instruction of the Peruvian Minister of Foreign Affairs to the Peruvian Minister at La Paz, Dated the 4th February, 1879, Desiring Him to Advise the Bolivian Government to Submit the Differences Between Chile and Bolivia to Arbitration.
(Report of the Ministry of Foreign Affairs of Peru, 1879, p. 11.)

MINISTRY OF FOREIGN RELATIONS,
Lima, February 4, 1879.

Sr. JOSÉ LUIS QUINONES,
*Envoy Extraordinary and Minister Plenipotentiary
of Peru to Bolivia.*

In a dispatch dated the 2nd January last, I recommended the advisability of giving your earnest attention to the matter which has recently arisen between that Republic and Chile, relative to the tax of ten "centavos" which the Congress of Bolivia has assessed against the exportation, through the port of Antofagasta, of each hundred-weight of nitrate; and I authorized you, in addition, to tender the good offices of Peru in case the breaking off of harmonious relations between the above-mentioned countries should be threatened, endeavoring, meanwhile, in a friendly manner, to secure the discontinuance of any act or measure of that Government which might prevent or at least obstruct, a satisfactory arrangement.

I subsequently recommended, in a semi-official communication, that you should try to suggest, *confidentially*, to that Government, the advisability of submitting *both the examination of and the decision upon this grave matter to arbitration, agreeably to the terms of the Treaty of 1874*, in force between Bolivia and Chile, and to hold in abeyance, during such arbitration, the carrying into effect of the above-mentioned Law relative to the tax on nitrate.

I do not doubt that you will have found the desired opportunity to execute the second portion of my instructions, and I am sure also, that the enlightened Government of General Daza will decide to adopt this course, as lawful as it is equitable, in preference to a disagreement which might bring about serious consequences

to both countries, a matter to which Peru cannot remain indifferent, owing to the close ties which bind her to both Republics.

I am awaiting, therefore, such results as you may have achieved, and I repeat the authorization I have already given you to make use of both telegraph and cable in any serious and urgent contingency.

M. IRIGOYEN.

Nº 19

Instrucciones del Ministro de Relaciones Exteriores del Perú al Ministro peruano en La Paz, para que aconseje al Gobierno de Bolivia el sometimiento a arbitraje de las diferencias entre Chile y Bolivia. Febrero 4 de 1879. (Memoria de Relaciones Exteriores del Peru de 1879, pág. 11.)

MINISTERIO DE RELACIONES EXTERIORES,
Lima, febrero 4 de 1879.

Sr. D. JOSÉ LUIS QUINONES,

E. E. y Ministro Plenipotenciario del Peru en Bolivia.

En oficio de fecha 2 de enero proximo pasado, manifesté a US. la necesidad de que prestase una atencion muy esmerada a la cuestion que actualmente existe entre esa Republica y Chile, con motivo del impuesto de diez centavos con que el Gobierno boliviano ha gravado la exportacion de cada quintal de salitre por el puerto de Antofagasta, y lo autoricé ademas para que interpusiera los buenos oficios del Peru, en caso de que fuese inminente un rompimiento de relaciones entre los dos expresados paises, procurando, al mismo tiempo, asegurar en una forma amistosa la suspension de cualquier acto o medida de ese Gobierno, que pudiera hacer imposible, o muy dificil por lo menos, un arreglo satisfactorio.

Posteriormente recomendé a US. en carta semioficial que procurase insinuar a ese Gobierno, confidencialmente, la conveniencia de someter a un arbitraje el conocimiento y decision de aquel grave asunto, con arreglo a los términos del Tratado de 1874, vigente entre Bolivia y Chile, y de suspender durante él la ejecucion de la mencionada ley sobre el impuesto del salitre.

No dudo que US. habrá procurado encontrar la oportunidad necesaria para dar cumplimiento a esta segunda parte de mis instrucciones; y me inclino, ademas, a creer, que el ilustrado Gobierno del General Daza se decida a dar a esta solucion tan

legal y justa, a un desacuerdo que podria ocasionar serias perturbaciones entre ambos paises y que el Peru no puede mirar con indiferencia por hallarse tan intimamente ligado con las dos repúblicas.

Espero, pues, el resultado que haya alcanzado U. S. y le reitero la autorizacion que le tengo dada para hacer uso del telegrafo y del cable, en cualquier caso grave y urgente.

Dios guarde a US.

M. IRIGOYEN.

No. 20

Instruction of the Minister of Foreign Affairs of Peru to the Peruvian Minister in Chile, Dr. Lavalle, instructing him to propose to the Chilean Government an equitable composition of the differences between Chile and Bolivia. February 22, 1879. (Report of the Ministry of Foreign Affairs of Peru for 1879, p. 29.)

MINISTRY OF FOREIGN AFFAIRS,
Lima, February 22, 1879.

* * * * *

The occupation of the Bolivian coast by Chilean troops, consequent upon the decree promulgated by the Government of La Paz rescinding the contract entered into with the "Compañía de Salitres y Ferrocarril de Antofagasta," (Antofagasta Nitrates and Railroad Company) makes it unseemly, and indeed impossible, for either Chile or Bolivia to entertain any peaceful proposition until such serious obstacles shall have been removed by both parties. You will therefore propose to that Government, in case such mediation should be accepted, the re-establishment of matters in the condition in which they were before the last events took place, that is to say, the evacuation of Bolivian territory, always provided that this Republic be willing, on her side, to suspend the effects of the above-mentioned decree of rescission, as well as the Law which imposed a tax of ten "centavos" on the exportation of each hundred-weight of nitrate which the Antofagasta Company should effect, and the submitting of these differences to such arbitration as both Governments may consider appropriate to agree to.

You will therefore direct your best efforts towards this end, and, for that purpose, endeavor to convince that Government, with due prudence and firmness, of the lamentable consequences which war would inevitably bring in its train for both countries and the further dangers which the present situation may easily originate, and state, in general, all the considerations which H. E. the President and I have mentioned to you during the course of our lengthy conferences on the subject.

You will understand from the foregoing that the acceptance by Chile of our mediation, must of a necessity be conditional upon

the evacuation of the Bolivian coast; because until this takes place, Bolivia, who very properly views this occupation in the light of an outrage against her sovereignty, could not possibly entertain any suggested agreement, nor would this Government undertake to propose it. A refusal, therefore, on the part of the Santiago Government, would be the clearest admission that it declines to listen to the dictates of justice and prudence, and would, from the outset, render completely nugatory any subsequent and semi-official action on the part of Peru.

M. IRIGOYEN.

Nº 20

Instrucciones del Ministro de Relaciones Exteriores del Perú al Ministro peruano en Chile, Dr. Lavalle, para que proponga al Gobierno de Chile un arreglo equitativo de las diferencias entre Chile y Bolivia. Febrero 22 de 1879. (Memoria de Relaciones Exteriores del Perú de 1879, pág. 29.)

MINISTERIO DE RELACIONES EXTERIORES,

Lima, febrero 22 de 1879.

* * * * *

Apareciendo la ocupación del litoral boliviano por fuerzas chilenas, como una consecuencia del decreto, expedido por el Gobierno de la Paz, rescindiendo el contrato de la Compañía de Salitres y Ferrocarril de Antofagasta, y no siendo decoroso para Chile ni para Bolivia, ni imposible por consiguiente entrar en ningún arreglo pacífico, sin que queden antes removidos tan graves inconvenientes por una y otra parte; propondrá U. S. a ese Gobierno, en caso que esta mediación fuese aceptada, el restablecimiento de los hechos al estado en que se encontraban antes de los últimos acontecimientos, esto es, la desocupación del territorio de Bolivia, siempre que esta República esté dispuesta, por su parte, a suspender el mencionado decreto de rescisión y la ley por la que se gravó con 10 centavos la exportación de todo quintal de salitre que haga la Compañía de Antofagasta, y el consiguiente sometimiento de estas diferencias al arbitraje que ambos Gobiernos tuviesen a bien constituir.

A esto deben dirigirse los esfuerzos de U. S. y hará valer, con tal fin, cerca de ese Gobierno, con la circunspección y altura necesarias, las consecuencias funestas que inevitablemente tiene

que producir la guerra a ambos países y los demás peligros a que muy bien puede conducir la actual situación y en general todas las consideraciones que S. E. el Presidente y yo hemos manifestado a U. S. en el curso de las detenidas conversaciones que hemos tenido.

Lo expuesto debe hacer comprender a U. S. que la aceptación por parte de Chile de nuestra mediación, debe ser precisamente bajo la base de la desocupación del litoral boliviano; pues mientras este hecho no se realice, Bolivia, que mira justamente en aquella ocupación un ultraje a su soberanía, sería imposible que aceptase medio de avenimiento, ni el Gobierno se prestaría tampoco a proponérselo. Toda negativa, pues, a este respecto del Gobierno de Santiago, tendría la muy clara significación de no hallarse dispuesto a entrar en el camino de la equidad y prudencia, y haría enteramente inútil todo acto posterior oficioso de parte del Perú.

Dios guarde a U. S.

M. IRIGOYEN.

No. 21

Instruction of the Minister of Foreign Affairs of Peru to the Minister of Peru in Bolivia, dated February 12, 1879, relative to the tax on the exportation of nitrate. (Report of the Ministry of Foreign Affairs of Peru, 1879, p. 12.)

MINISTRY OF FOREIGN AFFAIRS,
Lima, February 12, 1879.

Sr. JOSE LUIS QUINONES,

E. E. and Minister Plenipotentiary of Peru to Bolivia.

This Department is informed, by telegrams received yesterday and today, that the Chilean Legation has severed its relations in La Paz with the Government of Bolivia, and has therefore, left the city; that the government of Bolivia has rescinded the contract it had entered into with the Antofagasta Nitrate Company (Compañía Salitrera de Antofagasta) and finally, it is asserted that Chilean troops have embarked in Caldera with the above-mentioned port as their destination.

The Government of Peru, which has been deeply affected by this news, had expected that conciliatory counsels would have prevailed through the suspension by Bolivia of the resolution referring to the tax on nitrate, a step, so it has been assured, this Government was about to take until it devised conditions for an amicable settlement with Chile; but from the nature of the above-mentioned notices, the question tends to become more complicated and is invested with additional gravity.

Until you inform me of the use you have made of the instructions which were sent to you, offering the Government of Bolivia the good offices of Peru, I must again recommend that you omit no friendly act which may lead to the re-establishment of good relations between both Republics.

H. E. the President believes that this end may be secured either by appealing to arbitration, as prescribed in the same Treaty of Friendship which binds Bolivia to Chile, or by making use of a friendly nation to reach a settlement. In both cases, the consequences which might ensue owing to a breach, would be avoided.

This is the direction in which you should strive so as to influence the enlightened spirit of that Government, which has always

shown its interest in the friendly understanding between the nations of America.

I again would recommend that you make use of the telegraph to communicate to this Department the events of a serious nature which might arise as a consequence of the above-mentioned situation.

M. IRIGOYEN.

Nº 21

Instrucciones del Ministro de Relaciones Exteriores del Perú al Ministro peruano en Bolivia sobre el impuesto a la exportación del salitre. Febrero 12 de 1879. (Memoria de Relaciones Exteriores del Peru de 1879, pág. 12.)

MINISTERIO DE RELACIONES EXTERIORES,

Lima, febrero 12 de 1879.

Sr. Dr. D. JOSÉ LUIS QUIÑONES,

Enviado Extraordinario y Ministro Plenipotenciario

del Perú en Bolivia.

Este Despacho tiene conocimiento de telegramas recibidos, ayer y hoy, anunciando que la Legacion Chilena ha cortado sus relaciones en La Paz con el Gobierno de Bolivia y que se ha retirado, en consecuencia, de esa ciudad; como asimismo de la rescision, por parte del Gobierno de Bolivia, del contrato que tenia celebrado con la Compañia Salitrera de Antofagasta; y en fin, se asegura que se han embarcado tropas chilenas en Caldera con destino al expresado puerto.

El Gobierno del Perú, á quien han impresionado vivamente tales noticias, esperaba que se hubiera entrado en el terreno de la conciliacion, mediante la suspension por parte de Bolivia de la resolucion relativa al impuesto sobre el salitre, como se aseguró que se proponia hacerlo aquel Gobierno, mientras sentaba las bases de un arreglo amistoso con Chile; pero á tenor de las noticias expresadas la cuestion tiende á complicarse y reagravarse mas.

Mientras me informa V. S. del uso que ha hecho de las instrucciones que se le comunicaron para ofrecer al Gobierno de Bolivia los buenos oficios del Perú, debo recomendarle de nuevo que no omita paso alguno amistoso que pueda conducir al restablecimiento de las buenas relaciones entre ámbas Repúblicas.

Crée S. E. el Presidente que se puede llegar á tal fin, ya sea acudiendo al arbitraje prescrito en el mismo Tratado de amistad

que liga á Bolivia con Chile; ó bien sirviéndose del conducto de un país amigo para llegar al avenimiento. En ámbos casos, se evitarían las consecuencias que pudieran sobrevenir de un rompimiento.

En tal sentido, no debe V. S. dejar de trabajar en el ilustrado espíritu de ese Gobierno, que ha probado siempre interés en la buena armonía entre los países de América.

Le recomiendo de nuevo que haga V. S. uso del telégrafo para comunicar á este Despacho los sucesos de gravedad que pudieran surgir con motivo de la expresada cuestión.

Dios guarde á V. S.

M. IRIGOYEN.

No. 22

Proof that in deference to her desire for peace, Peru, in 1875, gave up her intention of negotiating for the adhesion of the Argentine Republic to the Treaty of Alliance. (Pedro Irigoyen: Work already cited, p. 121.)

CONFIDENTIAL No. 52.

PERUVIAN LEGATION,
Buenos Aires, September 3, 1875.

To Sr. A. V. DE LA TORRE,

Minister of Foreign Relations of Peru, Lima.

SIR: Upon the conclusion of the interview, which I communicated to you in my dispatch of this same date, No. 51, the Minister of Foreign Relations, Sr. Bernardo Irigoyen, informed me that he was engaged, at the present time, in looking into everything connected with the adhesion to our Treaty of the 6th of February; that it was to be regretted that the Argentine Senate had not immediately approved it, since this Treaty gave offence to none and was, on the contrary, of advantage to all parties; that many causes had been the reason for this postponement, and among them, the feeling of the political parties which, in that Body, were divided on the issue of the elections; and finally that he hoped that this matter would be concluded within the course of the present month, so as to take advantage of the last sessions of Congress, which closes on the 30th instant. In reply I briefly expressed to the Minister that the postponement the Senate had then decided upon was indeed regrettable.¹

Judging from the above, I think that many days will hardly elapse before I am called upon by the Minister to resume our "pourparlers"; when I propose, as I have given you to understand, to urge the acceptance of that part of my draft reply relating to the "uti possidetis" which Sr. Tejedor had refused to accept; or I shall suggest something in harmony with the instructions contained in your dispatch of the 22nd of last April, No. 6; or dealing with the contents of Sr. Baptista's dispatch of the 8th of August, 1874, which I duly communicated at the time to your

¹ From this reply of Sr. Irigoyen it will already be noted that the new instructions of the Government were beginning to be carried out for the delaying or postponement of the alliance with Argentina.

Department. Upon securing acceptance on these points, which I shall declare to be an indispensable prerequisite to the signature of the protocol, I shall then undertake the matter dealing with the exception respecting Brazilian affairs; I shall thus endeavor to gain time between this and the 15th when the next Pacific mail is due and which bears the official instructions whose arrival you ask me, in your personal letter of the 2nd of August, to try and wait for previous to signing the Protocol of Adhesion. You may rest assured that such will be done, as you likewise may be of the fact that, should some plausible excuse occur to me, which will in no way cause umbrage to this Government, to enable me to absolutely suspend negotiations until the above-mentioned instructions reach me, I shall act upon it, *agreeably to what you have thought fit to recommend*, likewise, in the letter to which I have referred. For the moment, however, I do not expect to find any.

Aside from this, I must inform you that, in my opinion, the relations of the Argentine Republic with Paraguay, Brazil and Chile have greatly improved, and that there is now no longer, at least as far as the first mentioned are concerned, any fear of a breach, which appeared imminent a short while ago, as I had the honor, fifteen days ago, of advising you by official dispatch, with which were enclosed the communications exchanged between the governments of Paraguay and Argentina, dealing with the resumption of negotiations.

With regard to Chile also, as far as I can see, the impending risk, which existed up to a few days ago, that relations would be broken off and war declared, has likewise passed; and I judge this to be the case, not alone due to the course which the discussions have taken and the calm tone adopted by the press, but also because, as it appears, this Government will not put the law relating to navigation in Patagonia into effect to the extent of provoking a breach with the first-mentioned Republic. At least, so I have been assured by persons whom I consider to be well-informed, as I also have been assured (and I state this without guaranteeing its accuracy) that there is at present in this City an unofficial agent of Chile, whose mission is to prevent a break and who, for this purpose, is endeavoring to secure the withdrawal by the Santiago government, of the Legation here which is considered unfriendly to this Government, sending as its representative, Sr. Ibañez. All the foregoing, therefore, would seem to substantiate my estimates and may be of some use to you in

directing the trend which it may be necessary to have our policy take.

In the cipher you have been good enough to send me, I shall at once advise you of any important event, relative to the adhesion, which may occur; or of any other of a different nature which should arise and which, due to its importance, I may consider necessary to bring to the attention of the Government without loss of time.

Meanwhile, I would ask you to acquaint H. E. the President with the contents of this dispatch, while accepting the expression of my highest consideration and respect.

M. IRIGOYEN.

Page 133.]

CONFIDENTIAL No. 56.

MINISTRY OF FOREIGN AFFAIRS,
Lima, October 4, 1875.

Sr. MANUEL IRIGOYEN,

Minister Plenipotentiary of Peru in Buenos Aires.

I have had the pleasure to receive your confidential dispatch, No. 52, dated the 3rd of September last, and I have taken note of the interview which, in respect to the Treaty of the 6th of February, you had with the Minister of that Republic.

You are fully conversant with the purpose of the Government, which is at present striving to secure the fullest possible liberty of action so as to be in a position to adopt that line of conduct which would be most suitable in the lamentable case of a breach between the Argentine Republic and Chile; for, bound as it is to both nations by close ties, it solely aspires to the friendly composition of their present misunderstanding.

This is the reason why I have suggested *how appropriate it would be to delay the Protocol of Adhesion*, to which end the insistent demands of Bolivia, recently put forward once again by H. E. Sr. Baptista, are useful, as you will have noted in the correspondence which must have reached your Legation subsequent to the 6th of September. This is a matter which must be handled with the utmost delicacy, for we are anxious, on the other hand, that the Argentine Government should not think that we are holding back on account of the difficulties in which it is involved by the Patagonian question.

You are likewise aware that on no account must we overlook the interests of Bolivia, nor sacrifice the natural Ally we possess

in the Pacific. On a previous occasion you have received instructions on this subject which must not be lost sight of upon discussing with the Argentine government the points which remained in suspense at the time when Sr. Tejedor left the Ministry.

Before I close this dispatch I must ask you that, in case every difficulty which stood in the way of perfecting the adhesion be removed and before the protocol is signed, you will advise me by telegraph of the circumstances so as to send you, by the same means, the Government's final instructions.

I commend to your wisdom and prudence the sequel to this important matter.

A. V. DE LA TORRE.

Page 134.]

CONFIDENTIAL No. 62.

MINISTRY OF FOREIGN AFFAIRS,
Lima, October 22, 1875.

Sr. MANUEL IRIGOYEN,

*Minister Plenipotentiary of Peru to Brazil
and the Republics of the River Plate.*

I have had the pleasure to receive your esteemed dispatch No. 61, which acknowledges the receipt of that which I addressed to that Legation under number 36.

I have told you in different communications and I repeat today, how greatly interested Peru is in *postponing* the signature to the Protocol of Adhesion of the Treaty of the 6th of February. Indeed, during the present circumstances, *what is most suitable is to preserve absolute liberty of action*, which we could not do were we bound to Argentina by means of a solemn covenant. This is, by no means, to be taken as the absolute relinquishment of this delicate matter, but merely its postponement.

You must find the means thereto and none seems more appropriate than to insist that the suggestions of the Bolivian government, which are in agreement with ours, be accepted, and especially those relative to the "*uti possidetis*."

Moreover, whatever the shape which may be given to the adhesion, it will have to be submitted to the approval of Congress which will convene on the 28th of July of next year; it will not be effective unless it is approved here and in Bolivia.

At any rate, we must wait for the initiative to be taken by that Government; it cannot on any account be taken by us, since this matter having been postponed owing to the attitude assumed

by Sr. Tejedor, we cannot, at present, show eagerness in securing its solution.

You will advise me by telegraph if that Government insists in requesting adhesion, so as to send you, by the same channel, the President's final orders.

A. V. DE LA TORRE.

Nº 22

Demostración de que el Perú, por amor a la paz, abandonó en 1875 la gestión sobre la adhesión de la República Argentina al Tratado de Alianza. (*Pedro Irigoyen*: "La adhesión de la República Argentina al tratado de alianza." Lima, 1919, pág. 121.)

RESERVADA No. 52.

LEGACIÓN DE PERÚ,

Buenos Aires, septiembre 3 de 1875.

S. M.: Al terminar la entrevista de que he dado cuenta a U. S., por medio de mi oficio de esta misma fecha No. 51, me dijo el señor Ministro de Relaciones Exteriores Dr. Irigoyen (don Bernardo): que se ocupaba en esos momentos de ponerse al corriente de todo lo relativo a la adhesión a nuestro Tratado de 6 de febrero; *que había sido sensible que el Senado argentino no le hubiese prestado inmediatamente su aprobación, desde que aquel pacto no ofendía a nadie y era por el contrario un beneficio de todos; que en este aplazamiento habían influido muchas causas y entre ellas el estado de los partidos en que se encontraba dividido aquel Cuerpo, con motivo de la cuestión electoral; y, por último, que esperaba que este asunto quedase terminado en el trascurso del presente mes, a fin de poder aprovechar las últimas sesiones del Congreso, que sólo duran hasta el 30 del corriente. En respuesta, me limité a decirle lacónicamente al señor Ministro, que realmente había sido muy sensible el aplazamiento que acordó entonces el Senado.*

En vista de esto, no se pasarán, pues, muchos días sin que el expresado señor Ministro me invite a continuar la negociación; y para entonces me propongo, como lo tengo indicado a U. S., recabar la aceptación de la parte de mi proyecto de respuesta referente al *uti possidetis*, que se negó admitir el señor Tejedor, o algo de acuerdo con las instrucciones que contiene la nota de U. S. de 22 de abril último, No. 6, o con los términos del despacho del señor Baptista, fecha 8 de agosto de 1874, que oportunamente transcribí a ese Ministerio. Obtenido esto, que será para mí

cuestión previa y sin lo que declararía que no podía firmar el Protocolo, entraré a arreglar lo relativo a la *reserva* sobre asuntos del Brasil; y así trataré de que pasen los días que faltan hasta el 15, en que se espera la próxima correspondencia del Pacífico y en que deben llegarme, por consiguiente, las instrucciones oficiales, que en carta particular de 2 de agosto, se sirve U. S. decirme que procure esperar, antes de firmar el Protocolo de adhesión. Puede, pues, U. S. estar seguro de que así sucederá y puede estarlo, igualmente, de que si se me presentase algún pretexto digno, y que no pueda absolutamente chocar a este Gobierno, para suspender por completo la negociación, hasta el recibo de las indicadas instrucciones, lo haría también *en conformidad con lo que se sirve indicarme* U. S., al mismo tiempo, en la carta a que me he referido. No espero por ahora, sin embargo, que se me presente ninguno.

Por lo demás, debo decir a U. S., que en mi opinión, han mejorado notablemente las relaciones de la República Argentina con el Paraguay, el Brasil y Chile; y que no hay ya, a lo menos respecto a los primeros, temor de un rompimiento, que tan fundadamente existió hace muy poco tiempo. Así tuve el honor, hace quince días, de manifestárselo a U. S. en nota especial, a la que adjunté los oficios cambiados entre el gobierno del Paraguay y el argentino sobre reapertura de negociaciones.

En cuanto a Chile, ha pasado también, según creo, el inminente riesgo que hubo hace apenas unos cuantos días, de que se rompiesen las relaciones y sobreviniese la guerra; y juzgo así, no sólo por el giro que ha tomado la discusión, y la calma en que ha entrado la prensa, sino también porque, según parece, este Gobierno no llevará la ejecución de la ley sobre la navegación de la Patagonia hasta el punto de provocar un rompimiento con aquella República. Así me lo han asegurado, al menos, personas a quienes supongo bien informadas; como me han asegurado igualmente (y se lo comunico a U. S. sin garantizar su exactitud), que hay en esta capital un agente oficioso de Chile, que se ocupa de evitar un rompimiento y que, con dicho fin, trata de que el Gobierno de Santiago retire la Legación que actualmente hay aquí, y que se supone hostil a este Gobierno, y haga venir como su representante al señor Ibáñez. Todo esto, pues, apoya mis apreciaciones; y puede servir a U. S. para el giro que convenga dar a nuestra política.

Haciendo uso de la clave que se ha servido U. S. remitirme, me apresuraré a comunicarle cualquier acto de importancia referente a la adhesión, que pudiese realizarse; o algún otro de

naturaleza distinta que ocurriese y que por su gravedad creyese necesario poner, sin pérdida de tiempo, en conocimiento del Supremo Gobierno.

Entretanto, ruego a U. S. se digne elevar este despacho al conocimiento de S. E. el Presidente de la República, y aceptar la expresión de mi mayor consideración y respeto.

M. IRIGOYEN.

RESERVADA, No. 56.

MINISTERIO DE RELACIONES EXTERIORES,

Lima, octubre 4 de 1875.

Sr. Dr. D. MANUEL IRIGOYEN,

Ministro Plenipotenciario del Perú en Buenos Aires.

Me ha sido grato recibir la estimable nota reservada de U. S., fecha 3 de setiembre último, marcada con el No. 52, y quedo impuesto de la entrevista que, relativa al pacto de 6 de febrero, tuvo U. S. con el señor Ministro de esa República.

Conoce U. S. perfectamente las ideas del Gobierno, que se propone en la actualidad, conservar la mayor libertad de acción que sea posible, a fin de adoptar oportunamente la línea de conducta que mejor convenga, en el sensible caso de un rompimiento entre la República Argentina y Chile; pues, ligado con ambas naciones por vínculos estrechos, sólo aspira a que terminen amistosamente sus actuales desavenencias.

Por esta razón, he indicado a U. S. *cuán conveniente sería demorar el protocolo de adhesión*, y, para ello, prestan facilidad, las exigencias de Bolivia, reiteradas últimamente por el Excmo. señor Baptista, en la correspondencia que debe haber llegado a esa Legación, después del 6 de setiembre. Asunto es este que debe manejarse con el mayor tino, pues nos interesa, por otra parte, que el Gobierno argentino no pueda creer que nos abstengamos de proceder, atendidas las dificultades en que se encuentra con motivo de la cuestión Patagonia.

Sabe U. S. también, que, en ningún caso, debemos abandonar los intereses de Bolivia ni sacrificar al aliado natural que tenemos en el Pacífico. Ya en otra ocasión se ha dado a U. S. instrucciones sobre el particular y deben tenerse presentes, al discutir con ese Gobierno los puntos que quedaron en suspenso cuando se separó del Ministerio el señor Tejedor.

Antes de terminar este oficio, debo indicar a U. S. que, en caso de allanarse todos los impedimentos que había para formalizar la adhesión y antes de que se firme el protocolo, me dé U. S.

aviso por telégrafo del resultado, para del mismo modo transmitirle las últimas órdenes del Gobierno.

Dejo encomendada a la prudencia y sagacidad de U. S., la continuación de este importante asunto.

Dios guarde a U. S.

A. V. DE LA TORRE.

RESERVADA, No. 62.

MINISTERIO DE RELACIONES EXTERIORES,

Lima, octubre 22 de 1875.

Sr. Dr. D. MANUEL IRIGOYEN,

Ministro Plenipotenciario del Perú

en el Brasil y Repúblicas del Plata.

Me ha sido grato recibir la estimable nota de U. S. fecha 20 de septiembre anterior, signada con el No. 61, en que acusa recibo de la que dirigí a esa Legación en 14 de agosto, bajo el No. 36.

He dicho a U. S. en diversas correspondencias y le repito ahora, cuánto interesa al Perú *aplazar* la firma del Protocolo de adhesión al Tratado de 6 de febrero. En efecto, en las circunstancias actuales, *lo que más conviene es conservar absoluta libertad de acción*, y no podríamos tenerla desde que nos ligásemos a la República Argentina, por medio de un pacto solemne. Esto no significa el abandono completo de este delicado asunto, sino su aplazamiento.

U. S. debe buscar los medios, y ninguno parece más a propósito que el insistir en que se acepten las indicaciones del Gobierno de Bolivia, que estén acordes con las nuestras, sobre todo las relativas al *uti possidetis*.

Además, la forma que se dé a la adhesión, habría que someterla a la aprobación del Congreso que se instale el 28 de julio del año próximo; y no surtirá sus efectos, sino en el caso de ser aprobada aquí y en Bolivia.

De todos modos, debe aguardarse a que la iniciativa parta de ese Gobierno y en ningún caso de nuestra parte; pues, habiéndose postergado este asunto por las observaciones hechas por el señor Tejedor, *no debemos apresurarnos en la actualidad a procurar su solución*.

U. S. cuidará de comunicarme por telégrafo si insiste ese Gobierno en solicitar la adhesión, para transmitirle del mismo modo las últimas órdenes de S. E. el Presidente.

Dios guarde a U. S.

A. V. DE LA TORRE.

No. 23

Report of the Ministry of Foreign Affairs of Peru with regard to the declaration of war. ("Papers relating to the War in South America, 1882," Sen. Ex. Doc. No. 79, p. 235.)

* * * * *

In 1873 Bolivia was threatened with territorial dismemberment, as was also the Argentine Republic. These threatenings gave rise to the alliance, the aims and tendencies of which are eminently American, since they are calculated to avert war among nations to which peace is necessary for their development and prosperity. Chili had irrevocably settled its boundary question with Bolivia since 1866; and the later treaty, celebrated in 1874, proves that it was not the cause nor the object of the alliance, unless Chili should venture, as it has done, upon the forbidden ground of scandalous usurpation.

The idea that the alliance was inspired by the necessity of forestalling the clamor of the nitrate proprietors in Tarapacá, despoiled of their industry, lacks foundation, and is evidently irrelevant. The expropriation of the nitrate works has cost Peru more than 20,000,000; and the price paid to those who voluntarily disposed of them, and in the price so paid, will be found by those who do not close their eyes to the light of evidence an indemnity which was in some cases far above what justice itself would have demanded. There can be no spoliation when the price of a property is paid and indemnity guaranteed. Peru did both, and does therefore not deserve the insults which have been launched at her in the exposition of the Chilean minister of foreign affairs.

To construe into a cause of alliance between two nations the necessity in which the government of one is placed to avoid claims which may be preferred by the nitrate manufacturers in opposition to the fiscal measures which that nation may have adopted, is a singular proposition which none can accept. Such allegations simply demonstrate that Chili was preparing to constitute herself the champion and defender of the nitrate manufacturers who had been abundantly remunerated for the value of the *oficinas* which they had voluntarily sold to the state; since, only in this manner can we understand that the minister of foreign affairs should perceive in the alliance the consummation of the

expropriation of the nitrate works and an offense against his country.

But while it is true that before impartial minds it cannot be maintained that such expropriation inspire the idea of alliance, we must agree that it insured for Peru and Bolivia the nitrate monopoly and the multiplied interests which are connected therewith, by laying the foundation of a prosperous business which Chili coveted and was determined to wrest from us at all hazards. Up to that time Peruvian productions had equaled Chili's balances of trade abroad; and after, by force of circumstances, the latter's capitalists had withdrawn from Tarapacá, her ambition revived, and she returned to her efforts for the acquirement of new territories which should offer a fresh field for her decaying activities. This alone can explain the policy of Chili. She needs riches in her present critical financial condition, and as they cannot be found on her exhausted territory, she seeks to obtain by force of arms those which belong to her neighbors. Such are the teachings of the justice which she so loudly proclaims, and of the civilization which she boasts.

* * * * *

MANUEL IRIGOYEN.

No. 24

Extracts from Minister Christiancy's dispatch of February 19, 1881, dealing with the cruel treatment meted out to the wounded. ("Papers relating to the War in South America," 1882, Sen. Ex. Doc. No. 79, p. 452.)

No. 243.]

LEGATION OF THE UNITED STATES,

Lima, Peru, February 19, 1881. (Received, March 18.)

SIR: I have the honor to inclose the copy (and translation) of a letter from Aurelio García y García, secretary-general of Piérola, to the dean of the diplomatic corps resident in Lima, dated Santa, January 20, 1881. This is the letter which the Chilian officers and representatives here insist shall be withdrawn before they will consent to treat with Piérola as the Government of Peru.

Now, though the Chilian authorities have not, so far as I know, specified the particular part of this letter to which they object, yet I am inclined to believe it must be that part which charges the Chilians with having treacherously opened the battle in defiance of the armistice which had been agreed upon, as I am inclined to believe that all the other charges contained in the letter are true, and that they could not be successfully denied by the Chilian authorities. It is quite true, I think, from the universal reports which I have heard, that the towns of Chorrillos, Barranco, and Miraflores were wantonly and unnecessarily burned, after all resistance had ceased, and that Barranco never resisted at all. I think also that it is entirely true that the Chilians murdered upon the field of battle, on the 13th, at least such wounded soldiers as they found upon the field from which the Peruvians had retired. They may or may not have excepted Peruvian *officers*, but the general report from Chilian officers, as given to me from officers * * * who have conversed with them, is that as a rule they killed on the field all the Peruvian wounded who fell into their hands, with the occasional exception, possibly, of Peruvian *officers*.

I know that when at Arica, in September, the Chilian governor of the place informed me that in taking Arica they took no wounded Peruvian soldiers there, and from all I could learn from all sources the same was substantially the fact at the battle of Tacna, with

very slight exceptions. It may be, and I hope it is, true that after the battle of Miraflores, when the Chilians knew the Peruvians were totally defeated and disbanded, they may have saved some of the Peruvian wounded found upon the field; but all their reports thus far have shown a greater number of Peruvians killed than wounded, which tends strongly to show the truth of the reports that the wounded Peruvians found upon the field were put out of their sufferings in the shortest possible manner. In making these statements I do not profess to speak upon my own knowledge, but upon the best information I can obtain, which I hope, for the honor of humanity, may turn out to be untrue.

* * * * *

I have, etc.,

I. P. CHRISTIANCY.

Last paragraph of Minister Christiancy's dispatch of March 9, 1881, dealing with the behavior of the army of occupation.
 ("Papers relating to the War in South America," 1882, Sen. Ex. Doc. No. 79, p. 461.)

* * * * *

General Saavedra, at present commander-in-chief of the Chilian forces, issued the bando (decree) of the last-named date, a copy of which, with translation, I herewith inclose.

And on the 7th instant he issued the further decree for the collection of \$1,000,000, for the month of February, being \$20,000 from each of the fifty persons named, of which I also inclose a copy with a translation.

I call your special attention to the penalty imposed by this decree for non-payment at the day—the destruction of property of the delinquent to three times the amount.

According to the information I have received, and which I think trustworthy, many of the persons named will be able, without much suffering, to raise the \$20,000, but many of them will not, as in some cases it is all that the man is worth, and in some much more than he is worth.

In some cases the only property the man owns consists of houses and lots in the city of Lima or in Callao, with furniture, &c. To destroy these by fire would endanger the whole city, neutrals and natives suffering alike. It may be otherwise destroyed.

But this wanton destruction of private property seems to me to verge very closely upon a violation of that humane law of modern warfare which forbids making war upon unarmed, non-resisting private citizens, or upon their individual property. And though the laws of war seem yet to permit the levying of war contributions, I would suggest that, according to the best and most approved practice of the civilized nations of today that right should only be exercised upon municipalities or other governmental divisions of a country, leaving the local authorities (who much better know the ability of their respective citizens) to apportion the burden.

I had the honor to call your attention to this point in my dispatch of September 17 last, No. 194, in hopes that I might receive some instructions upon it, but as yet I have not had a word in reply.

You will permit me further to suggest, whether if an invading army can levy its contributions directly upon private persons and destroy their property for non-payment, that humane rule of modern warfare which forbids making war upon, seizing, or destroying private property without any offer or idea of compensation, cannot at any moment be set aside by merely changing the *name* of the operation to that of "*contribution*." For instance, the commander of the invading force going to a hacienda or sugar estate, says to the owner, "I want \$100,000 out of your property for the support of my army or the expenses of the war; the laws of modern warfare do not permit me directly to seize it or to destroy it, without giving you compensation or promising such compensation in future. But I can demand it as a 'war contribution,' without any idea of compensation, and destroy all your property as a penalty for non-payment of that contribution."

It is respectfully suggested that the distinction between these two modes of proceeding is a very thin and not a very tangible one. (See Woolsey's introduction to the study of international law, section 130.)

It is right, I think, in connection with the decree of General Saavedra of March 7, above referred to (No. $\frac{3}{2}54$), to remark that an influential portion of *the most* influential portion of the Chilian press is very bitter and abusive toward General Baquedano, for not having sacked and burned Lima; and how far the severe measures now proposed for collection of the war contributions may have been produced by the influence of that press (an influence which prevented any desire for peace at Arica) I do not know, but leave you to draw your own inferences.

It is right also that I should inform you that from public rumor, (which, I think, is generally credited by the diplomatic corps, though I have seen nothing official to warrant the belief), it is generally believed here that the Chilian authorities here intend to carry away with them to Chili not only all warlike material and machinery (of which no one can complain) but all the paintings, statuary, and libraries belonging to Peru and to the municipality of Lima. As to the last, it is sincerely to be hoped that the Chilian Government may not dim the lustre of their victory by acts so repugnant to the sentiments of modern civilization; and for one, unless otherwise instructed, I shall be ready to join with the diplomatic corps in an earnest protest against such barbarism.

I have, etc.,

I. P. CHRISTIANCY.

No. 26

Last paragraph of Minister Christiancy's dispatch, dated March 21, 1882, dealing with Chile's intentions respecting the situation in Peru. ("Papers relating, etc., etc.," 1882, Sen. Ex. Doc. No. 79, p. 467.)

No. 261.]

LEGATION OF THE UNITED STATES,
Lima, Peru, March 21, 1881. (Received April 16.)

* * * * *

I thought it well that Mr. Altamirano should take this, or the knowledge of this, with him to the Government of Chili. But I did not think it wise to go any farther at this moment, or without farther instructions from your Department, as it appears to me quite evident that the Chilian Government have determined to make Peru drink the last dregs in the cup of national humiliation, in any peace she will be ready to grant, and that nothing short of active intervention of the United States, or some foreign power or powers, can defeat the determination. And, though it is not for the interest of the United States or any other neutral power thus to humiliate Peru, yet in view of the traditional policy of the United States, it would not be possible for me thus to intervene between the three belligerents, towards whom our government entertains equally friendly sentiments. I could only be warranted in doing so by the express directions of my government.

Please see my next dispatch, No. 262, in answer to your No. 129. I have, etc.,

I. P. CHRISTIANCY.

No. 27

Minister Christiancy's dispatch of March 16, 1882, dealing with the conduct of the Commanding Officers in occupation.
("Papers relating, etc.," 1882, Sen. Ex. Doc. No. 79, p. 465.)

No. 256.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 16, 1881. (Received April 11.)

SIR: Referring to my dispatch No. 254 (last paragraph), I have the honor to inform you that since that I have ascertained that, even before that letter was written, the whole of the public library, known as "Biblioteca de San Pedro," in Lima, belonging to the Government of Peru, and the largest and most valuable in South America, had already been taken by the Chilians and put on board the fleet to be sent to Chili.

And before and since that dispatch they have, as I am informed, also taken from the exposition grounds and buildings belonging to the Benevolent Society of Lima all the paintings and pictures in the buildings on those grounds, all the collection of animals (a menagerie of them), and everything of value that could be taken; the laboratory and the appurtenances of the School of Medicine, amounting to over half a million of dollars, and everything that could be moved from the School of Arts in Lima, consisting of models, machinery, etc., for teaching in the arts and sciences and in the various trades. This School of Arts belonged to the Government of Peru.

For myself, I look upon this as a violation of the rules of civilized warfare, which calls for an earnest protest on behalf of all civilized nations; and I have been in favor of such protest being made by the diplomatic corps here. I am satisfied that the large majority of the corps would join in it; but there are some who, while agreeing that it is contrary to the modern principles of warfare, yet, for reasons of policy, think it not best to make the protest, lest it might prejudice the Chilean Government against neutrals here.

A meeting of the diplomatic corps was held yesterday at my suggestion, made the day before. But I was taken sick the night before and was totally unable to attend; and I understand no action was taken by the corps upon this point.

I have, etc.,

I. P. CHRISTIANCY.

* * * * * *

No. 28

Particulars respecting the Chilean Letelier Expedition. (*Gonzalo Bulnes: "Guerra del Pacifico," 1919, vol. 111, p. 27, et seq.*)

The campaign I am about to describe is a sad phase of the War of the Pacific, comparable to that expedition to Mollendo, which left in its wake a trail of diplomatic claims and well-founded protests involving the good name of our (Chilean) army.

* * * * *

The Chilean division entrained from Lima for Oroya on the 15th of April, 1881.

* * * * *

Before proceeding further with a description of the march, I wish to give a general idea of what occurred during this campaign.

Letelier scattered his forces in different directions, endeavoring to make them converge on Cerro de Pasco, which was his principal objective, and the orders given to each commander of each detachment was to levy war contributions, under severe penalties, from the places they were to occupy.

The docile, almost slavish, people of the region, the victims of every kind of despotism from time immemorial, a condition which remains unchanged to this day, with no proprietary rights, despoiled first by the Spaniard, then by successive Republican governments, at all times by the white man and now by the bodies of Peruvian irregular horse (montoneros) remained passive, enduring the impositions of their conquerors until their retreat to the south was announced. This, in their primitive minds, was at once confounded with flight and they then endeavored to impede the Chilean retreat and destroy the enemy with their staves, clubs and slings, using these primitive weapons against soldiers, well equipped with the best rifles of the time, with the result that the encounters were more like massacres than battles, in which the Indians died by the hundreds, almost by the thousands.

This, then, is the painful moral aspect of the campaign.

Letelier's plan was carried out without a hitch, especially since it was entirely unopposed. The unit which he commanded and that under Bouquet joined forces at Pasco, which obliged the Prefect of the place to undertake precipitate flight to the north,

on the road to Huánuco, followed by a handful of soldiers, the remainder of his force having fled before he had. These, "volunteers" under compulsion, scattered among their mountains, going straight to their wretched dwellings, just as birds when the cage door is left open. On the next day (April 27th), Letelier occupied Cerro de Pasco with his own and Bouquet's columns.

From there he issued a proclamation declaring the establishment of martial law in Junin, Tarma and Jauja, and depriving all Peruvian citizens, who might in any way have contributed to the defense of their country, of the protection of the laws, thus inventing a new crime: patriotism.

* * * * *

It would be comprehensible that after some attack which had caused losses to the army, the Military Chief should withdraw the usual guarantees of safety from those who had occasioned them, but in the present case there was no such excuse because the Department of Junin had not, up to that time, engaged in any hostile act. The same proclamation decreed that within three days, the holders of property belonging to absentee Peruvians either as depositors, consignees or as guardians, should turn in a detailed statement thereof to the military authorities.

From a military campaign the expedition soon degenerated into an excursion of armed men whose sole purpose was the forcible collection of tribute, an occupation in which they were assisted by the disreputable characters of the localities. Some Peruvians, lost to all sense of decency, voluntarily betrayed their countrymen and furnished information from which the lists of fines were compiled; divulged the secret stores of money and supplied estimates of the value of absentee property, while Chilean troops cooperated in this unworthy campaign of espionage. The following is written by the Commandant of the garrison of Junin:

"We have not yet occupied Tarma until we shall have collected the fines assessed against Cerro de Pasco, capital of the Department of Junin, and Huánuco. The first named is to pay 500,000 and the second 300,000 pesos. As soon as these are collected, of which the greater part has already been turned in, we shall advance upon Tarma, with the troops which make up the advance guard and of which I am in command. Tarma will be assessed at the same figure as Huánuco, i. e. 300,000, while Junin, a place I occupied to-day, not being so rich, will be assessed at a lower rate, the amount of which has not yet been decided upon. We shall then continue on at once to Huánuco, so I understand, levying

tribute on Jauja, Concepcion, a famous resort, etc. So if our estimates do not turn out wrong we hope to collect at least 2,000,000 pesos as a war tribute, not such a bad sum after all and which none of the former expeditions has been able to equal, not even the celebrated Lynch expedition which overran the north of Peru, the richest without a doubt and which then had not suffered at all from the effects of the war."

* * * * *

At this time General Lynch assumed command of the army in Lima and one of his first steps was to solicit permission from Santiago to recall Letelier to Lima as soon as possible, and thus put an end to the flood of complaints with which the foreign (Missions) overwhelmed him. There is proof that he sent him orders to return on the 22nd of May. On that date the officer in command of the village of Chicla communicated to Lima that he had transmitted the order to Letelier at Cerro de Pasco. A week later Lynch repeated his instructions, though granting him a short delay to collect the fines which had been imposed, while instructing him to return by way of Canta so as to punish the people who were encouraging the formation of guerrilla bands (*montoneras*) in that district.

Lynch telegraphed as follows to the officer at Casapalca, terminal of the telegraph line:

"May 28, 1881. Send a messenger to Commander Letelier and advise him to return immediately as soon as he shall have collected the fines imposed, since his unit is required in the matter of the regrouping of the army. Tell him I think it necessary for a section to return via Canta to punish the inhabitants who help the 'montoneros' (bands of irregular horsemen) who make that district their headquarters."

These units at Canta were those which fought at Sangra a little later.

The orders of the 22nd of May, repeated on the 28th, were again issued by dispatch from General Headquarters on the 2nd of June. Letelier acknowledged receipt of the first on the 7th of June and of the last on the 9th, which drew from Lynch an expression of surprise since he could not understand how one of his orders, received in Casapalca on the 22nd of May and sent on by messenger, should take fifteen days to reach Cerro de Pasco. Surprise was succeeded by the suspicion that it was merely a pretext to avoid evacuating the occupied area, and this was confirmed on receipt of Letelier's reply in which he proposed extending the military line of occupation still farther to a con-

siderable distance, in direct contradiction to the idea of relinquishing what he already held.

"June 9, 1881. I wish to advise," wrote Letelier to Lynch, "that the Department of Huancavelica is also ready to pay tribute and awaits the arrival of our troops with considerable eagerness so as to shake off the followers of Pierola and be able to join with the remainder of the cities in re-establishing peace."

More than a month had elapsed since the date of his first instructions to return and Letelier still remained in the Highlands (Sierra) to the evident annoyance of Lynch who interpreted the delay as an act of disobedience to his reiterated messages. On the 23rd of June, therefore, he telegraphed to Santiago as follows:

"I have repeatedly sent Letelier definite orders to return and these have been disregarded. I have no means of compelling him."

Notwithstanding his irritation, he sent munitions to the division at Junin and others to Casapalca for use in the retreat.

What was it that kept Letelier in the interior?

His excuse was that while at Cerro de Pasco, a Prefect, appointed by Garcia Calderon to substitute the authority appointed by Pierola in that Department, had arrived in Junin under the protection of Chilean forces, and that this interference in the politics of the country had incensed the inhabitants of the country to such an extent that they had revolted to a man against the army of occupation, requiring the scattered detachments to undertake difficult and slow marches. Though this explanation hardly fits in with the characteristic absence of public spirit of those people, the truth is that a general revolt did take place, but it is more probable that it was due to the false impression that the withdrawal, which the Chilean forces were preparing and which was common knowledge, was actuated by fear and that the Indians, in revolting, wished to take advantage of these circumstances in revenge for the exactions of which they had been the victims. This explanation seems to me more logical than that advanced by Letelier, because the same thing took place in the following campaigns in the Highlands (Sierra). These primitive minds, so easily deceived, subsequently rose in insurrections precisely similar to this on other occasions, as will be seen during the course of this work.

* * * * *

I have mentioned Letelier's excuse to explain his continued presence in the interior after having been ordered to retire. Lynch

did not attribute it to the reason given by Letelier, nor that which I have suggested, but believed it to be due to the exactions of the chief officers which had at last aroused the indignation of the people and their desire to be avenged. His conclusions were due to the fact that the revolt had started among the most ignorant class of the country, which lives, steeped in its age-old habits of subservience towards, and which recognizes no other manifestation of public authority than unswerving obedience to, some leader, for whom it fights and dies, in ignorance even of the cause it is defending. There was at that time no leader of this kind. Pierola had fled to Ayacucho and Caceres had not appeared on the scene of the final resistance.

Letelier arrived in Lima on the 4th of July, 1881. He found Lynch extremely incensed against him, and resolved upon adopting any means which would contribute to restore discipline and morality. He was made responsible for the attitude of the inhabitants.

Letelier produced the accounts of the expedition, with no vouchers for either receipts or disbursements, alleging that he had no commissariat clerk to do the accounting. There were items of 336,049 pesos received in cash for fines; 333,671 spent and a balance of 155,048 pesos, which included articles of all kinds, thus proving that the division had considered itself entitled to extend its requisitioning to include everything.

Among the disbursements was an item of 71,724 pesos, for rewards for "special services." It appeared that this item was the percentage paid to officers and men who assessed the fines, so that an officer, stimulated by personal gain, assessed the figure of the fine, secured payment as he pleased and in addition received a percentage upon the sum collected. Lynch was of the opinion that a regular army could not be conducted upon such principles. He had likewise carried out an expedition of this kind, upon instructions from his Government, but no commander or officer or soldier had even received a cent for this painful public duty. And had any of them endeavored to do so, he would have been severely punished, even to the extent of being sent to the gallows, by the strict Commander-in-Chief.

* * * * *

The above requires no comment. War, stern war can alone call for the imposition of such sacrifices as those which the Peruvian Highlands had to endure. A government has the right to impose extraordinary taxation, but what is lawful when carried out on

the responsibility of the State, whose *investigations* are submitted to a strict accounting, is no longer so when undertaken by some military commander on his own initiative and for purely personal ends, leaving entire liberty of action to his subordinates to act as they think fit, stimulating their greed and sharing with them the proceeds of their impositions. While on the other hand there is no excuse for braggadocio, of such questionable taste, which invents encounters and victories, so little worthy of the honorable record of the Chilean army.

Nº 28

Detalles sobre la expedición chilena Letelier. (*Gonzalo Bulnes: "Guerra del Pacífico," 1919, tomo III, pág. 27.*)

* * * * *

La campaña que voi a rememorar es una triste página de la guerra del Pacífico, comparable a aquella expedicion a Mollendo que dejó tras de sí un reguero de reclamaciones diplomáticas i de justas protestas contra la dignidad de nuestro ejército.

* * * * *

La division chilena se embarcó en Lima en el ferrocarril de la Oroya el 15 de abril de 1881.

* * * * *

Antes de referir su marcha deseo dar una idea jeneral de lo que ocurrió esta campaña.

Letelier desparramó sus soldados por diversas partes procurando hacerlos converjer sobre Cerro de Pasco, que era lo que tenia mas especialmente en vista, *i la mision de cada jefe de destacamento era imponer cupos de guerra, bajo penas rigorosas, a las poblaciones que ocuparan.*

El pueblo manso, casi esclavo de aquella rejion, víctima de todos los despotismos desde tiempo inmemorial, lo que no se ha modificado hasta hoi mismo, sin derecho a su propiedad, espoliado primero por los españoles, despues por los gobiernos republicanos, siempre por el blanco, i ahora por los montoneros, permaneció quieto sufriendo las imposiciones de sus dominadores hasta que se anunció su retirada a la costa, lo cual en su mentalidad primitiva confundió con la fuga, i entónces, quiso detener la marcha de los chilenos i destruir con sus palos o macanas, i sus hondas, a soldados provistos de los mejores rifles de la época, produciéndose choques, que mas que combates fueron carnicerias en que los indígenas murieron a centenares, casi a millares.

Esta es la triste fisonomía moral de la campaña.

El plan de Letelier se realizó sin ningún tropiezo, como que no había quien se le opusiera. La fracción que él mandaba i la de Bouquet se juntaron en Pasco, obligando al prefecto de ese lugar a emprender la fuga hacia el norte, camino de Huanuco, seguido de unos pocos soldados. El resto había huido antes que él. Los voluntarios a la fuerza corrían por las montañas en busca de sus miserables viviendas, como lo hacen los pajarillos cuando se les abre la puerta de la jaula. Al siguiente día (27 de abril), Letelier ocupó Cerro de Pasco con su columna i la de Bouquet.

Allí dictó un bando proclamando la ley marcial en Junín, Tarma i Jauja, privando de la protección de la autoridad a todo peruano que hubiere contribuido a la defensa de su país en cualquier forma, creando así un nuevo delito: el patriotismo.

* * * * *

Se explicaría que después de un atentado que hubiera causado males al ejército el jefe militar privase de garantías a los que habían concurrido a ejecutarlo, pero en el caso actual no había esa excusa, porque el departamento de Junín no había hecho hasta entonces ningún acto de hostilidad. El mismo bando disponía que antes de tres días, los que tuviesen bienes de peruanos ausentes sea como depositarios, consignatarios o guardadores, debían dar razón detallada de ellos a la autoridad militar.

* * * * *

Más que campaña militar la expedición se transformó en una gran requisición de dinero a mano armada, con el concurso de los peores elementos sociales. Peruanos degradados se ofrecían a delatar a sus compatriotas, i daban datos para formar las listas de los cupos, denunciar los escondites de dinero, i calificar los bienes de los ausentes, i la tropa chilena servía de auxiliar a ese espionaje ignominioso. He aquí lo que escribía el jefe de la guarnición de Junín:

“No hemos ocupado aun a Tarma hasta no terminar de percibir las contribuciones impuestas a Cerro de Pasco, capital del departamento de Junín, y a Huanuco. La primera pagará 500,000 pesos, i la segunda 300,000. Apenas se haya recogido esto, de lo que hai recibido una gran parte, avanzaremos hasta Tarma con la fuerza que se denomina la vanguardia de la que soi Comandante. A Tarma se le impondrá la misma contribución que a Huanuco esto es 300,000 pesos y a Junín, pueblo que he ocupado hoy, como población mas pobre, un rescate mas bajo que no se ha fijado aun. En seguida continuaremos nuestro viaje hasta Huancayo, segun entiendo imponiendo contribuciones a Jauja, Concepción,

pueblo célebre, etc. En resumen si los cálculos no salen fallidos esperamos percibir no ménos de 2,000,000 de pesos por contribuciones de guerra, suma bastante bonita, i que hasta ahora no ha podido reunir ninguna de las expediciones anteriores, ni la famosa del comandante Lynch que recorrió el territorio norte del Perú, el mas rico sin duda alguna i que en esa época no habia sufrido absolutamente nada con la guerra."

* * * * *

En esos dias el jeneral Lynch asumió el mando del ejército en Lima i una de sus primeras medidas fué solicitar de Santiago autorizacion para hacer regresar a Lima a Letelier, cuanto ántes, i evitarse las reclamaciones con que lo asediaban los extranjeros. Hai constancia que le impartió la órden de volver el 22 de mayo. Ese día el jefe del caserio de Chicla comunicaba a Lima que la habia transmitido a Letelier a Cerro de Pasco. Una semana despues Lynch le reiteraba la misma órden si bien concediéndole algun plazo corto para percibir las contribuciones ya decretadas, i autorizándole para volverse por el camino de Canta para castigar a los que fomentaban la formacion de montoneras en ese lugar.

Lynch telegrafió al jefe de Casapalca, extremo de la línea telegráfica, así:

"Mayo 28 de 1881.—Haga US. un propio al comandante Letelier i dígame que tan luego como cobre las contribuciones que la impuesto se regrese inmediatamente, pues se necesita esa fuerza para proceder a la nueva organizacion del ejército. Dígame que creo conveniente que una parte regrese por Canta para castigar a los vecinos que protejen esos montoneros que merodean por esos lugares."

Esas fuerzas de Canta fueron las que se batieron en Sangra poco después.

La órden del 22 de mayo, reiterada el 28, lo fué nuevamente por oficio del Cuartel Jeneral del 2 de junio. Letelier avisó haber recibido las primeras el 7 de junio i la última el 9, provocando la sorpresa de Lynch que no podia esplicarse cómo una órden suya recibida en Casapalca el 22 de mayo i enviada por propio, tardaba quince dias en llegar a Cerro de Pasco. A esta estrañeza sucedió la duda de que fuera un pretexto para no retirarse de los lugares que ocupaba, la cual se formalizó en su espíritu al recibir la respuesta de Letelier en que le proponia estender la ocupacion militar mas todavia i a gran distancia, lo cual se contradecia con la idea de abandonar aquello de que estaba en posesion.

"Junio 9 de 1881.—Hago presente a US., le decía Letelier,

que el departamento de Huancavelica se halla tambien listo para pagar el cupo *i aguarda con vivo anhelo la llegada de nuestras tropas* para librarse de los pierolistas i concurrir con los demas pueblos al restablecimiento de la paz."

Habia trascurrido un mes desde la primera órden de regresar i Letelier permanecia todavia en la sierra con visible desagrado de Lynch que estimaba esa demora como una desobediencia a sus reiterados mensajes. El 23 de junio este telegrafiaba así a Santiago:

"He reiterado órdenes terminantes de regreso a Letelier que no ha cumplido. No me es posible comperlerlo."

A pesar de su disgusto envió a la division municiones a Junin i otras a Casapalca para facilitarle la retirada.

¿Qué detenia a Letelier en el interior?

La excusa que dió fué que durante su permanencia en Cerro de Pasco llegó a Junin un prefecto nombrado por Garcia Calderon a sustituir en el departamento a las autoridades de Piérola, amparado por fuerzas chilenas, i que esa intromision en la política interna levantó en contra del ejército de ocupacion al pueblo, que se alzó como un solo hombre, obligando a los destacamentos repartidos a hacer marchas difíciles i lentas. Sin aceptar esta explicacion que no se concilia con el ningun espíritu público de aquellos habitantes, es lo cierto que ese levantamiento jeneral se produjo, pero es mas probable que fuera por la falsa idea de que la retirada, que los chilenos preparaban i que todo el mundo sabia, la interpretaran como inspirada por el temor, i que la indiada quisiera aprovecharse de las circunstancias para vengar las exacciones de que habia sido víctima. I me parece mas lógica esta explicacion que la de Letelier, porque lo mismo ocurrió en las siguientes campañas a la sierra. Esas mentalidades primitivas, tan fáciles de ser engañadas, hicieron despues sublevaciones semejantes a esta en la misma ocasion, i con sus mismos caracteres, segun se verá en el curso de esta obra.

* * * * *

He manifestado la explicacion dada por Letelier a su permanencia en el interior despues de haber recibido la órden de retirarse. Lynch no la atribuia ni a la razon dada por aquel ni a la que he manifestado, sino a que las exacciones de los jefes habian provocado una reaccion de furor i de venganza lejitima. Se fijaba al pensar asi en que la sublevacion habia prendido en la clase mas ignorante del pais, en aquella que vive cristalizada en su servidumbre secular, que no entiende otra cosa de la vida pública sino

su sumision a un caudillo por el cual lucha i muere sin saber la causa que defiende. I ese caudillo no existia en ese momento. Piérola estaba fujitivo en Ayacucho, i Cáceres no habia aparecido en la escena de la resistencia final.

Letelier llegó a Lima el 4 de julio de 1881. Encontró a Lynch sumamente irritado contra él. Le inculpaba su conducta con las poblaciones, i estaba resuelto a tomar cualquiera medida reparadora de la disciplina i de la moral.

Letelier le presentó las cuentas de la expedicion, sin comprobantes en las entradas ni en las salidas, alegando que habia carecido de un empleado de la Comisaría para ordenar la contabilidad. Figuraban en ellas 336,049 pesos cobrados en dinero por cupos, 333,671 gastados, i un sobrante de 155,048 pesos, completados con objetos de diversas clases que manifestaban que la division se habia considerado autorizada para estender sus requisiciones a todo.

Entre los egresos habia un ítem de 71,724 pesos por gratificaciones por "servicios especiales." Se supo que ese ítem era el porcentaje pagado a los oficiales i tropa que imponian los cupos, de modo que un oficial, estimulado por su propio interés, fijaba el monto de la exaccion, la cobraba como queria, y tenia una prima sobre lo percibido. Lynch creyó que un ejército regular no puede existir en tales condiciones. El habia realizado una campaña semejante, de orden del gobierno, sin que ningun jefe, oficial o soldado, percibiese un solo centavo por ese doloroso servicio público. I si alguien lo hubiera pretendido hacer habria sido castigado, quizas hasta con el patíbulo, por el rigurosísimo comandante en Jefe.

* * * * *

Lo referido no necesita comentarios. La guerra, la dura guerra, puede autorizar la imposicion de sacrificios semejantes a los que soportó la sierra peruana. Puede un gobierno ordenar que se impongan contribuciones extraordinarias, pero lo que es lícito cuando se hace bajo la responsabilidad de un Estado, sometiendo las requisiciones a una fiscalizacion rigurosa, no lo es cuando un jefe las ejecuta por sí i ante sí, dejando a sus subordinados en libertad de proceder como quisieran, interesando su avaricia i compartiendo con ellos el producto de esas exacciones. I bajo otro punto de vista jamas sera excusable esa fanfarroneria de mal tono que inventaba combates i triunfos que no eran dignos del honroso pasado del ejército chileno.

No. 29

Account by a Chilean officer respecting the methods employed by the Lynch Expedition. (Documents collected by Ahumada Moreno. Santiago, vol. III, p. 547.)

THE LYNCH EXPEDITION

DIARY OF A SURGEON OF THE CHILEAN ARMY
(From *El Ferrocarril* of Santiago)

ON BOARD THE "COPIAPO,"
Harbor of Malabrigo, October 25, 1880.

To Sr. MANUEL SALAMANCA: I would have written to you some time ago, but being so far away, out of touch with everybody and without the necessary materials, I have not been able to do so before this. My letter will be a trifle long for I shall endeavor to give you such news as will interest you most relating to the Lynch Expedition; I shall nevertheless try to be as brief as possible so as not to prove tiresome and lessen your interest.

I shall give you an extract from the diary which I have kept about the expedition in which my Corps had the good luck to take part.

* * * * *

The Buin remained on garrison duty.

The Plantation of Palo Seco is very extensive and valuable. It contains vast fields of sugar cane, alfalfa, rice, etc., and a quantity of cattle of all kinds, some of them pedigree animals.

The buildings are magnificent and the central edifice more than a city block in extent and five stories high; this contains the sugar refining machinery, the best in South America, all of finest steel and copper and produces 500 hundredweights of sugar daily and is valued at 3,000,000 pesos. The building which houses the machinery has four towers, while the one in the center has a four dial clock.

* * * * *

The residences are comfortable, luxurious and modern as are all the other buildings; those on the right house the distilling machinery, the stores and gas meter.

The Secretary, Sr. Carrasco Albano demanded from the son of Sr. Derteano a contribution of 100,000 pesos in drafts on London or Valparaiso or on Graham Rowe & Co. to whom, as to

Dreyfus, Derteano owes important sums. A delay of 24 hours was granted to comply with the demand. The Management of the plantation did not consider this sum excessive, for with the resources at its command which I have described, with its five locomotives and private railways, it could have, in a very short time, recuperated this small amount. The owner of the plantation, who is in Lima, is a counsellor and powerful supporter of Pierola, the chief of one of the Divisions, while one of his sons fought in Tacna in command of Montero's escort.

700 bags of sugar and some of rice have been brought from the interior and are being shipped immediately; I understand that there is still a great amount to be brought in.

Last night two vessels came into the harbor and the *Chacabuco* was on hand to meet them.

On the 11th the artillery was landed.

At 8 a. m. on that day I started, with Major Larraín, on a special train for Palo Seco. The Aide had received instructions to destroy everything because the payment had not been made and the time limit had expired. The Dictator Pierola had issued a decree, declaring all persons who gave anything to the Chileans to be traitors to their country and declaring their property forfeited to the State. This was the reason why the payment was not made. Latham and Major Steuven himself with Belisario Campos began to blow up the principal parts of the machinery with dynamite. Fire was started at 2 p. m. in the building which contained the stores.

One of the dynamite explosions set the machinery building on fire, and in a moment we were surrounded by flames and enveloped in dense smoke which almost stifled us. In the residential portion of the building there was a small but carefully selected library containing the works of the best authors, magnificently bound.

At 6 p. m. we began the march back to Chimbote, leaving the fire, at the height of its destructive intensity, to take its course. In the building which contained the distilling plant there were immense vats of brandy, rum and fermented maize (*chicha*) which were opened, their contents adding a high combustible to the enormous conflagration. Several dynamite cartridges, which had been left charged in the refining machinery, exploding like cannon increased the impressiveness of the spectacle.

At 7:30 p. m. on three trains, we were all back again.

* * * * *

In the same valley with the Derteano plantation, are three others, sugar plantations, which belong to the same owner, called "Rinconada" and "Puente," which were likewise destroyed. The gallant and energetic Major Muñoz penetrated inland more than 30 leagues in an endeavor to find the enemy but had regretfully to return without even having had the opportunity to unsheath his sword.

* * * * *

Such is the expedition to the north of Peru, veraciously and soberly recounted, the outcome of my personal observations. True to my disposition I have not wished to express my personal comments on the occurrences and have been content merely to relate them.

CLOTARIO SALAMANCA.

Nº 29

Relacion de un oficial chileno sobre los procedimientos empleados por la expedicion Lynch. (Coleccion de Ahumada Moreno. Santiago, tomo III, pág. 547.)

LA EXPEDICION LYNCH

DIARIO DE UN CIRUJANO DEL EJÉRCITO CHILENO
(De *El Ferrocarril* de Santiago)

A BORDO DEL "COPIAPÓ,"
Caleta de Malabrigo, octubre 25 de 1880.

Sr. MANUEL SALAMANCA: Esta carta te la habría escrito hace tiempo, pero estando tan lejos, sin comunicación con nadie y sin elementos necesarios, no he podido hacerlo antes. Tiene que ser un poco larga, puesto que trataré de darte las noticias que creo te puedan interesar más sobre la expedición Lynch; pero tratando de ser lacónico para no hacerme cansado y molestar demasiado tu atención.

Voy á sacar un extracto del diario que he llevado sobre la expedición en que le tocó á mi cuerpo en suerte tomar parte.

* * * * *

La hacienda de Palo Seco es muy extensa y rica. Posee grandes potreros de caña de azúcar, alfalfares, arroz, etc., y una gran cantidad de ganados vacunos y cabalgares algunos de ellos de pura sangre.

Los cuerpos de edificio son magníficos y el del frente de más de una cuadra de extensión y de cinco pisos, está ocupado por la

maquinaria de elaboración de azúcar, que es una de las mejores de Sudamérica, toda de rico acero y cobre, elabora quinientos quintales diarios de azúcar y su valor se calcula en tres millones de pesos. El edificio de las máquinas posee cuatro torreones de defensa y una torre central con un reloj de cuatro esferas.

* * * * *

Las casas son cómodas, lujosas y, como todos los otros edificios, de arquitectura moderna. El cuerpo de edificios de la derecha está ocupado por las máquinas de destilación, las bodegas y el gasómetro.

El secretario señor Carrasco Albano impuso al hijo de Derteano una contribución de cien mil pesos en letras sobre Londres ó Valparaíso, ó por medio de la casa Graham, Rowe, á quien, como á Dreyfus, debe Derteano una gran cantidad, y dió de plazo 24 horas. La hacienda no juzgó excesiva esta proposición, pues con los elementos que yá he dado á conocer, así como con sus cinco máquinas y trenes especiales para su servicio, podría recuperar en poco tiempo esta pequeña cantidad. El dueño de la hacienda, que estaba en Lima, es consejero y auxiliar poderoso de Piérola, jefe de una de las divisiones, y uno de sus hijos peleó en Tacna como jefe de la escolta de Montero.

Se han traído del interior 700 sacos de azúcar, algunos de arroz y se están embarcando inmediatamente; creo que quedan muchos por traer.

Anoche entraron dos buques á la bahía y la *Chacabuco* estuvo pronta para recibirlos.

El 11 desembarcó la artillería.

A las 8 a. m. de ese día me puse en marcha, en un carro especial, con el mayor Larraín para Palo Seco. El ayudante llevaba la orden de no dejar nada en pié, á consecuencia de que el pago no se realizaba y el tiempo señalado había terminado. El Dictador Piérola dió un decreto, declarando traidor á la patria al individuo que diera algo á los chilenos, y declarando propiedad del Estado la de los mismos. Por esto no pudieron pagar. Latham y el mismo comandante Stiven con Belisario Campos, comenzaron á hacer saltar con dinamita las piezas principales de la maquinaria. El incendio se principió á las 2 p. m. por el edificio de las bodegas.

Uno de los tiros de dinamita prendió fuego al edificio de la maquinaria, y en un momento nos vimos encerrados en un círculo de fuego y de humo espeso que casi nos asfixiaba. En la casa de la hacienda existía una pequeña pero escogida biblioteca, de los mejores autores y de magnífica pasta.

A las 6 p. m. nos pusimos en marcha para Chimbote y dejamos al incendio en medio de su magestuosidad destructora, que siguiera su curso. En los edificios de las máquinas de destilación existían inmensas pipas de aguardiente, ron y chicha de maíz, las qu abiertas y derramado el líquido que contenían, añadieron de esta manera un combustible poderoso á la inmensa llama. En las máquinas de azúcar se dejaron armados varios tiros de dinamita que con sus explosiones como cañonazos, daban mayor importancia al espectáculo.

A las 7.30 p. m., con tres máquinas, estábamos todos de vuelta.

* * * * *

En el mismo valle de la hacienda de Derteano existen tres ingenios mas que pertenecen al mismo dueño y que llevan el nombre de Rinconada y Puente, los que también fueron destruídos. El bravo y activo comandante Muñoz se internó más de treinta leguas en busca del enemigo y volvió con el sentimiento de no haber podido siquiera sacar su espada.

* * * * *

Tal ha sido la expedición al Norte del Perú, contada con todo laconismo y con toda verdad, puesto que todo lo he visto personalmente. Según mi costumbre, no he querido entrar á juzgar los hechos personalmente y me he contentado con narrarlos.

CLOTARIO SALAMANCA.

No. 30

Report of Chilian Lieut. Stephan, dated July 8, 1882. (Second Report of Rear Admiral Lynch. Lima, 1884, vol. 11, pp. 341 and 343.)

Recommendation in favour of Lieuts. Meyer and Stephan

TARMA, July 7, 1882.

I have the honor to hand you herewith the original dispatches which contain an account of the defense of the Oroya bridge, carried out by Lieut. Francisco Meyer, of the 3rd Reg. of the Line, and of the attack made upon the "Montoneros" (irregular bands of horsemen, volunteers), of Chacapalpa by Lieut. Tristan Stephan of the regiment of "Carbineers of Yungay."

If at any time an officer should be specially mentioned for carrying out his duty to the extent of accomplishing some conspicuous action, it is the present, when Lieut. Meyer, by his bravery, coolness and the timely measures adopted, and with only a handful of men, defeated 300 who tried to surprise him at midnight, counting upon all the advantages of a carefully planned attack.

Lieut. Meyer deserves all the credit for the safety of the important bridge which is the key to our communications with our army.

I hope, Sir, that you will duly appreciate the importance of such meritorious conduct and, for the proper encouragement and reward of officers possessing the spirit and energy of Meyer, that you will solicit from the General in Command the distinction to which this brave officer is entitled.

With regard to the young officer, Lieut. Stephan, this is not the first time that his superiors and you yourself have had the opportunity to appreciate his merits and courage. On this occasion, more especially, he has shown that he possesses the highest gifts which single him out as a distinguished officer of promise.

In the difficult position in which Lieut. Stephan found himself, he still was able to discover the means of saving both his men and the honor of his arms, and was also able, in addition, to inflict many serious casualties on the enemy, which is, perhaps, the first time this has happened in the present campaign.

I request, therefore, for this brave officer, a reward which, as

in the case of Lieut. Meyer, will be an incentive and a just recognition of their merits.

The men of the 3rd Line and Carbineers of Yungay regiments likewise deserve special mention, for it is owing to their unquestioned bravery as Chilean soldiers, that the successes are due when appeal is made to their sense of duty.

I likewise wish to endorse the recommendations contained in the reports which refer to the troops who have had the good fortune to distinguish themselves over their fellows.

MANUEL R. BARAHONA.

To the COLONEL COMMANDER IN CHIEF
OF THE ARMY OF THE CENTRE.

Extract from the "Second Report of Rear Admiral Lynch,"
vol. II, p. 343:

TARMA, *July 8, 1882.*

* * * * *

I was in the peculiar position, if the troops advanced farther, of not being able to extricate myself, for the cliffs in my rear were very precipitous while I had the river on my front, so I decided to swim across a little further up stream on the right, which was successfully accomplished and without loss.

Upon noticing this, the band endeavored to escape by the front, but there was by then no time to do so. On reaching the opposite side I commanded a charge which was brilliantly executed, and as a result, we counted sixty dead on the field and took forty-eight prisoners. There were no casualties among our troops.

I then proceeded with my prisoners through the Gap towards Chacapalpa to carry out your orders.

A little later—it was about 6 p. m.—I was once more attacked from all the surrounding heights, not only by rifle fire, but by having boulders hurled down on us. Seeing this and since I had to attack the enemy, I thought it better not to detach any men to guard the prisoners, for as you know the number I had was very small. Besides, the prisoners, finding we were attacked, thought they could escape. All these reasons, therefore, induced me to have them shot.

* * * * *

As you will see, this expedition consisted of a series of encounters, and all to our advantage, for I have not to report a single casualty

and have inflicted the loss of 120 dead on the enemy. I could take no arms for the several attacks did not allow sufficient time to do so.

* * * * *

TRISTAN STEPHAN.

To the POLITICAL AND MILITARY CHIEF OF THE PROVINCE.

Nº 30

Parte del Teniente Stephan, del 8 de julio de 1882. (Segunda Memoria del Vicealmirante Lynch. Lima, 1884, tomo II, pág. 341 y 343.)

Recomendacion de los Tenientes Meyer y Stephan

TARMA, julio 7 de 1882.

Tengo el honor de poner en manos de US. los partes orijinales en los que se dá cuenta de la defensa del puente de la Oroya hecha por el teniente del 3.º de linea Don Francisco Meyer i del ataque á los montoneros de Chacapalpa por el teniente de "Carabineros de Yungay," señor Tristan Stephan.

Si en alguna ocasion debe hacerse una recomendacion especial del oficial que cumple con su deber, hasta ejecutar una accion distinguida, es en la presente, en que el teniente Meyer con su arrojo, sangre fria i acertadas disposiciones derrotó con un puñado de hombres á trescientos que trataron de sorprenderlo á media noche, contando con todas las ventajas de un bien estudiado ataque.

Al teniente Meyer se le debe esclusivamente la conservacion del importante puente que es la llave de nuestras comunicaciones con nuestro Ejército.

Creo, señor, que tan distinguida conducta la apreciará US. debidamente en su alto criterio i para estímulo i justo premio de oficiales del espíritu i desempeño de Meyer, US. se servirá pedir al señor Jeneral en Jefe la distincion á que este valiente oficial se ha hecho acreedor.

Con respecto al jóven oficial teniente Stephan, no es la primera vez que sus Jefes i US. mismo han podido estimar su valor i arrojo. En esta vez, mui principalmente, ha manifestado las mayores dotes para que se le considere como un oficial distinguido i de porvenir.

En la situacion difícil en que el teniente Stephan se encontró, supo hallar recursos para salvar su tropa i el honor de las armas, i

todavía hacerle muchas dolorosas bajas al enemigo, que quizás se ocasionan por primera vez en la presente campaña.

Pido, pues, señor, para el bizarro oficial una distincion que, como al arrojado teniente Meyer, le sirva de estímulo i sea una justa recompensa á sus méritos.

La tropa del 3.º de línea i “Carabineros de Yungay” merece tambien especial recomendacion, pues á su bravura de soldados chilenos, nunca desmentida, se deben los triunfos que siempre obtienen cuando se les llama al cumplimiento del deber.

Igual cosa digo á US. de los individuos de tropa que se recomiendan en los partes, porque les ha cabido en suerte sobresalir de sus compañeros.

Se ofrece de US. atento S. S.

MANUEL R. BARAHONA.

Al señor CORONEL COMANDANTE EN JEFE
DEL EJÉRCITO DEL CENTRO.

TARMA, julio 8 de 1882.

* * * * *

Estando yo en colocacion de no poder escapar, si pasaba mi tropa un poco mas adelante, pues el cerro á retaguardia es mui parado i por el frente teníamos el rio, resolví pasarlo un poco mas arriba por la derecha á nado, lo que se logró con buen éxito, pues no tuve ninguna desgracia que lamentar.

Viendo esto los montoneros trataron de escapar por el frente, pero ya no tenian tiempo. Una vez al otro lado mandé á la carga, la cual fué brillante, pues en el encuentro quedaron mas de sesenta muertos en el campo i cuarentiocho prisioneros. En mi tropa no tuve ninguna baja.

En seguida me dirijí con los prisioneros por la quebrada, hácia Chacapalpa, para cumplir con la órden de US.

Al poco rato—serian las seis de la tarde—fuí atacado nuevamente por todas las alturas, no solo haciéndonos fuego, sino tambien lanzando galgas. Viendo yo esto i teniendo que atacar al enemigo creí conveniente no distraer tropa en custodiar á los prisioneros, pues, como US. sabe era mui poco el número de que disponia. Además los citados prisioneros, viendo que éramos atacados, pensaron fugarse. Todos estos motivos me llevaron á fusilarlos.

* * * * *

Como US. vé, esta espedicion has sido una série de encuentros, pero todos con felicidad, pues no he tenido ni una sola baja i del enemigo pasan de ciento veinte los muertos. Armas no pude tomar, pues no me dieron tiempo los diversos ataques.

* * * * *

TRISTAN STEPHAN.

Señor JEFE POLÍTICO Y MILITAR DE LA PROVINCIA.

Minister Christiancy's dispatch on the peace conditions presented during the conference on the "Lackawanna." ("Papers relating to the War, etc.," 1882, Sen. Ex. Doc. No. 79, p. 400.)

No. 198.]

LEGATION OF THE UNITED STATES,
ON BOARD U. S. STEAMER LACKAWANNA,
Bay of Arica, Peru, October 24, 1880.
(Received November 16.)

SIR:

* * * * *

I inclose a translation of the terms or essential bases demanded by Chili, as furnished to the plenipotentiaries of the allies. I have not time to give copy in Spanish, as the mail-steamer which will take this is now in port. I will simply say of these propositions that to me they do not appear to have been made with any expectation that they would be accepted by the allies; since they are such that they could hardly be accepted without such a degree of national humiliation as would be inconsistent with that self-respect essential to the independent national existence of the allies; and if made with the serious intention of being insisted upon, I should be satisfied there will be no peace, and that Chili is not desirous of peace.

But I think the more reasonable conclusion is that they were purposely made much more exacting than the negotiators intend ultimately to insist upon, for the purpose of drawing out propositions of a more moderate and reasonable character from the allies, and I am strongly inclined to the belief that Chili will be satisfied with a cession by Bolivia of all her possessions between the Andes and the coast, and by Peru of the province of Tarapaca, bounded north by the river Camarones, in full of all her demands. Such, I was semi-officially informed by the President and Secretary of State of Chili, and by Mr. Huneeus (selected by them to communicate with me) when I was in Santiago, about the close of August last, and when they informed me they had accepted the mediation of the United States. But the probabilities of the result will now soon begin to develop.

For the present and until the negotiations among the plenipotentiaries elicit the real points of disagreement, we, as mediators, do not propose to interfere.

I am, &c.,

I. P. CHRISTIANCY.

No. 32

Protocol of the Conferences on Board the "Lackawanna."
(Papers relating, etc." 1882, Sen. Ex. Doc. No. 79, p. 405.)

ON BOARD U. S. S. LACKAWANNA,
Bay of Arica, October 27, 1880.

SIR: The undersigned, ministers of the United States, accredited to the Governments of Chili, Peru, and Bolivia, respectfully report that, in pursuance of arrangements concluded by us with the governments to which we are accredited, on the 22d of October instant, the following-named plenipotentiaries met in conference in our presence on board the United States ship Lackawanna, then anchored in the Bay of Arica, for the purpose of discussing the existing complications between the three belligerents, and concluding, if possible, a peace:

Don Mariano Baptista and Don Juan Crisóstomo Carrillo, plenipotentiaries of Bolivia;

Don Eulogio Altamirano, Don José Francisco Vergara, and Don Eusebio Lillo, plenipotentiaries of Chili; and

Don Antonio Arenas and Don Aurelio García y García, plenipotentiaries of Peru.

Charles S. Rand, of Lima, was duly named secretary and interpreter for the undersigned pending the conference.

The powers of the various ministers were duly exchanged, and after a brief session the conference adjourned.

It again convened on the 25th of October, when the discussion of the subject which brought them together was entered upon and continued at length. An adjournment was finally had with the understanding that there should be another reunion on the 27th. On this latter day the conference again assembled and, after again exchanging views, the conclusion was unanimously reached that, in view of the instructions which they had received from their respective governments, it would be useless for them longer to continue their efforts for the purpose of bringing about a peace.

Having exhausted upon our part all efforts to produce a desirable result, we were reluctantly compelled to the conclusion that a dissolution of the conference was unavoidable. Thereupon the conference was declared closed.

We have the honor to inclose herein protocols of the conference in Spanish, with English translations thereof, and to remain,

Very respectfully, &c.,

THOMAS A. OSBORN,
United States Minister to Chili.

I. P. CHRISTIANCY,
United States Minister to Peru.

CHARLES ADAMS,
Minister Resident to Bolivia.

*Protocols of the Conference held between the plenipotentiaries of
Bolivia, Chile, and Peru upon the mediation offered by the United
States of America*

PROTOCOL NO. 1

[Inclosure 2 in No. 200.—Translation]

On board of the North American corvette Lackawanna, in the Bay of Arica, on the twenty-second day of October, of the year one thousand eight hundred and eighty, the plenipotentiaries having met together, as follows:

For the Republic of Bolivia, his excellency Señor Mariano Baptista.

For the Republic of Chili, their excellencies Sres. Eulogio Altamirano, Eusebio Lillo, and Colonel Don José Francisco Vergara, secretary of state in the departments of war and the navy.

For the Republic of Peru, their excellencies Señores Antonio Arenas and Aurelio García y García.

In presence of their excellencies the representatives of the Republic of the United States of North America, Mr. Thomas A. Osborn, accredited near the Government of Chili; Mr. Isaac P. Christiancy, accredited near the Government of Peru, and General Charles Adams, accredited near the Government of Bolivia.

His excellency Mr. Osborn, dean of the American ministers, stated that the three representatives of the United States had seen fit to appoint Mr. Charles S. Rand as their secretary and interpreter, and that he presumed that each legation had appointed one *ad hoc*; he begged, therefore, that if in the translations made by Mr. Rand, as interpreter, there should be observed the least inexactness, they would call attention thereto at once.

His excellency Mr. Osborn then said that the representatives of the United States desired that the sessions of this conference should be opened with as little ceremony as may be compatible with the

gravity of the occasion, and regard it as useless at this moment to enter into a consideration of the question as to the origin of the mediation proposed by the United States, or the priority of its suggestion; that it is very gratifying to record that the conference is an accomplished fact, as is attested to-day by the assembling here of the honorable members thereof; and it is hoped that it will enter upon its deliberations with an earnest purpose to bring about the high object for which it has been convened; that it is unnecessary to give assurances that the government and people of the United States feel a profound interest in the welfare of the three nations engaged in the present war; nor could it be otherwise, since the United States inaugurated republican government in America, and are, therefore, in a measure responsible for its existence here; that, having been the first to recognize the independence of these republics, they have watched with a careful eye, from that day till now, their efforts to keep pace with an advancing civilization, and have rejoiced in their progress and prosperity; that they feel that republican institutions are to-day on trial before the world, and that in bringing about a happy exit thereof all our nations here represented are equally interested; that it is but natural, therefore, that they should deeply deplore the existence of the present state of war, and should anxiously desire its termination; that it is this feeling which has inspired the present attitude of the United States, and it is the sincere hope of its government that ere this conference shall adjourn, an honorable and a lasting peace may be brought about; that the plenipotentiaries of the three republics are doubtless aware of the exact position occupied by the American representatives, yet it may not be superfluous to state that they do not propose to take any part whatever in the discussion of the questions which may come before the conference; that the bases upon which peace is to be reached are questions for the exclusive consideration of the plenipotentiaries; but that nevertheless they are ready and willing to assist the negotiators with their friendly co-operation whenever the same may seem desirable. He closed, saying: "We beg you, gentlemen, we implore you, to labor earnestly to bring about a peace, and, in the name of our government, we hope that your efforts may be crowned with success."

Mr. Osborn then declared that the presentation and exchange of credentials was in order, which having been proceeded with, they were found to be in good and due form.

His excellency Sr. Baptista caused to be noted, in presenting

the credentials of his colleague, his excellency Hon. Sr. Juan Crisóstomo Carrillo, plenipotentiary of Bolivia, that the latter was prevented from being present at this first session by serious illness caused by his being upon the sea.

Mr. Osborn then declared the sessions of the conference open.

His excellency Sr. Altamirano said that, in his own name and that of his colleagues, he hastened to comply with the charge intrusted to him by his government, manifesting that the noble and disinterested efforts made by the most worthy representatives of the American Union to put an end to the sacrifices of war had awakened the gratitude of the government and people of Chili; and that, whatever might be the result of the conferences, and even although they should not result in the bringing about of peace, Chili could never ignore the magnitude of the service rendered; that he took pleasure in recognizing the exactness of the observation of Mr. Osborn, when in justifying the interest manifested by the great nation of the north in her development and prosperity, he recalled the fact that she had been the first to recognize the independence of Chili, adding that the proceedings of to-day evidenced that the same noble policy continued exercising its beneficent influence upon these republics. Touching the grave question of the moment, he stated that circumstances rendered it an imperative duty to endeavor to bring about an immediate solution; that, seeking for the mode of procedure best calculated to secure this end, he had thought necessary to group together in a memorandum the propositions which, according to his instructions, should form the groundwork of the treaty, in order that their excellencies the representatives of Peru and Bolivia, after duly considering them, might indicate whether the discussion could be opened upon those bases; since, proceeding otherwise, the risk would be incurred of wasting time unnecessarily, since, even were the earlier difficulties overcome, there would be no security that the last might not prove insuperable; that if this form of procedure were adopted, one copy of the memorandum referred to would be placed in the hands of his excellency Sr. Arenas, a second in the hands of his excellency Sr. Baptista, and a third copy delivered to the worthy president of the conference.

Sr. Altamirano concluded, stating that the memorandum contained only the principal demands of his government; that, later they might be presented in another form more adequate to figure as articles of a treaty, and that, opportunely, he would present for discussion other propositions which, while of importance, had not

been included in the memorandum, since, in view of their character, they were not considered as offering insuperable difficulties.

His excellency Sr. Arenas said that his first expression in the name of the Government of Peru was one of cordial gratitude to that of the Great American Republic for the friendly attitude it had assumed during the present war in the Pacific, and for the earnest endeavors made by it for the termination of the dissensions to-day separating three republics, at one time sisters; that the government and people of Peru will never forget the elevated policy and fraternal sentiments which, from the time of her independence till to-day, have prompted the international course of the United States; that in so far as relates to the representatives of Peru in these conferences, it is his duty to declare with frank sincerity that they have come here with the idea of obtaining peace, it being always understood that it be equally honorable for Peru, for Bolivia, and for Chili; that upon this ground they will treat with entire good faith, under the guidance of the principles of honor and of justice; that he entertained the hope of reaching a settlement; but should this not be attained, there would remain to the plenipotentiaries of Peru the satisfaction of having endeavored to re-establish harmony upon this continent; that he agrees with Sr. Altamirano in believing that the points to be discussed should be clearly defined so as not to lose time in the examination of indeterminate questions, and in that sense accepts the form proposed for the proceedings to be followed, adding, however, that the propositions contained in the memorandum just presented by Sr. Altamirano, of the contents of which the representatives of Peru are unaware, should be the subject of careful and serious study, for which reason he does not think it would be proper to name at once the day for the next conference, and requests, in conclusion, that the necessary time be allowed him to study the matter, offering on his part to advise his excellency Mr. Osborn, so soon as the plenipotentiaries are ready, that he may be pleased to call a further session.

His excellency Sr. Baptista said that he, in turn, felt the necessity of expressing the sentiments of his government and people; that the United States had, as it were, created and modeled the democratic institutions of South America, which from their birth had developed by their example; that the United States exerted a legitimate influence upon the signification and progress of their political life; it was not strange, therefore, that its government should intervene amicably, upon the first occasion when, according

to the accurate judgment of its representatives, these very institutions are put upon trial. In order to maintain them, the Government of Bolivia will join in negotiations for peace with sincerity, with no other limits in obtaining it than right and justice, interpreted not with the help of declamation but according to the reality of events as they present themselves. He believed that the belligerent governments would seriously seek this solution, and that the elevation of ideas and of character of their excellencies the plenipotentiaries was a guarantee of effective deliberations, which would seek inspiration, not in the ephemeral excitement of the political passions of the three nationalities, but in the real, permanent, and well considered interests of the countries they represented; that as regarded the proposition of his excellency Señor Altamirano, he understood that it was not a simple memorandum of questions, but a series of propositions; that only thus would the labors of the conference be facilitated; that in this sense he accepted the proposition.

His excellency Mr. Christiancy said that he had but few words to add to what had already been said by his colleague, Mr. Osborn, the senior representative of the United States, and in which he fully concurred; that the United States having taken the lead in the establishment of republican institutions on this continent, that government and its people felt a deep interest in the peace and prosperity of all the South American republics and of their institutions, born under the influence of their initiative; that for these reasons they desired to do all in their power, through their good offices, to promote the peace and harmony of these States; that there were many other considerations which should exert a powerful influence upon the representatives of the three belligerent nations here assembled; that the people of all were descended from one common nationality, spoke the same language, possessed the same institutions, customs, and modes of thought, and professed the same religion, and that many of them were bound together by the dearest of family ties, and that, finally, from the high and distinguished character of the illustrious representatives chosen to take part in the present conference, he looked confidently for a favorable solution.

At the suggestion of his excellency Mr. Osborn, announcing that everything relative to the mediators, or whatsoever might interest their government, should be under the charge of their secretary, it was agreed that the protocol of the conference should be drawn

up by the secretaries of the several legations. His excellency Sr. Arenas stated that the secretary for Peru was Dr. Mariano Nicolás Valcrácel. His excellency Sr. Altamirano presented Sr. Domingo Gana as secretary for Chili, and his excellency Sr. Baptista, Sr. Felix Avelino Aramayo for Bolivia.

Before adjourning it was agreed that his excellency Sr. Arenas should indicate through his excellency Mr. Osborn a day for the second conference, so soon as he had studied the memorandum presented by his excellency Sr. Altamirano, and which it was agreed should be inserted in the present minutes, its tenor being as follows:

"Memorandum of the essential conditions which Chili demands in order to arrive at a peace, presented by the Chilian plenipotentiaries in the conference held on board the United States ship Lackawanna, the 22d of October, 1880.

"First. Cession to Chili of such territory of Peru and Bolivia as extends to the south of the valley of Camarones and to the west of the line of the Andean Cordillera which separates Peru and Bolivia, as far as the valley of the Chacarilla, and to the west also of a line which, being prolonged from this point, would strike the Argentine frontier, passing through the center of Lake Ascotan.

"Second. Payment to Chili by Peru and Bolivia jointly of the sum of twenty millions of dollars, four millions whereof are to be paid in cash.

"Third. Return of the properties of which Chilian citizens in Peru and Bolivia have been despoiled.

"Fourth. Return of the transport *Rimac*.

"Fifth. Abrogation of the secret treaty made between Peru and Bolivia in the year 1873, leaving at the same time the steps taken to bring about a confederation between the two nations void and of no effect whatever.

"Sixth. Retention on the part of Chili of the territory of Moquegua, Tacna, and Arica, occupied by Chilian forces, until the obligations to which the preceding conditions refer have been complied with.

"Seventh. An obligation on the part of Peru not to fortify the port of Arica when it shall be given up to her, nor at any time, and an undertaking that in future it shall be an exclusively commercial port."

Whereupon the session adjourned at 1 o'clock p. m.

In witness whereof they signed.

M. Baptista, Juan C. Carrillo, J. F. Vergara, E. Altamirano, Eus. Lillo, Anto. Arenas, Aurelio García, Thomas A. Osborn, I. P. Christiancy, and Charles Adams.

F. Avelino Aramayo, Secretary of the Bolivian Legation; Domingo Gana, Secretary of the Plenipotentiaries of Chile; M. N. Valcárcel, Secretary of the Plenipotentiaries of Peru; Charles S. Rand, Secretary and Interpreter of the Mediators.

PROTOCOL No. 2

[Translation]

On board the North American corvette Lackawanna, in the Bay of Arica, the twenty-fifth day of October, one thousand eight hundred and eighty, all the plenipotentiaries having met together, viz.:

On the part of Bolivia, their excellencies Sr. Mariano Baptista and Sr. Juan Crisóstomo Carrillo;

On the part of Chili, their excellencies Sres. José Francisco Vergara, secretary of state in the departments of war and the navy, Eulogio Altamirano, and Eusebio Lillo;

On the part of Peru, their excellencies Sres. Antonio Arenas and Aurelio García y García;

In the presence of the representatives of the United States of North America, his excellency Mr. Thomas A. Osborn, accredited near the Government of Chili, his excellency Mr. Isaac P. Christiancy, accredited near the Government of Peru, and his excellency General Charles Adams, accredited near the Government of Bolivia.

The session was declared open at 1 o'clock, p. m.

The minutes of the preceding session were read and approved.

His excellency Mr. Osborn inquired in what form the minutes should be signed, and it was agreed that they should be signed by all the plenipotentiaries and by the three representatives of the United States. They consequently proceeded to sign four copies, one of which remained in the office of the secretary of their excellencies the mediating ministers, another was destined for Bolivia, the third for Chili, and the remaining one for Peru.

His excellency Sr. Arenas then stated that the representatives of Peru had carefully studied the document presented by his ex-

cellency Sr. Altamirano, in which he sets forth, in the name of his government, the conditions under which peace may be obtained; that he waived the consideration of the words forming the title of that document, because, although some of them appeared unacceptable, he believed they had been employed without preconceived design; nor would he allude to the causes which had brought about the war, nor to the reasons which have been adduced to justify it, since a discussion of these points would be barren under present circumstances, and would only tend to remove the discussion from that calmness with which it is desirable to treat the grave question which has given rise to this conference.

Sr. Arenas said in regard to the conditions proposed by his excellency the plenipotentiary of Chili that they had produced upon him a painful impression, since they close the door upon any reasonable or tranquil discussion; that the first one, especially, is so insurmountable an obstacle in the way of pacific negotiation that it is equivalent to an intimation to proceed no farther; that Chili has obtained advantages in the present war, holding in military occupation in consequence thereof certain districts of Peruvian and Bolivian territory over which she had never claimed any jurisdiction, but having occupied them after various combats, she to-day believes herself transformed into the owner thereof, and that her military occupation is a title of dominion; that like doctrines certainly were sustained in other times and distant regions, but in Spanish America have not been invoked from the time of the independence down to the present time, having been considered incompatible with the tutelary bases of republican institutions; they lapsed beneath the powerful influence of the existing political system, and because they were highly dangerous for all South American republics.

Leaving these general considerations, which refer to the interests and tranquillity of the nations of this section of America, his excellency proceeded to examine the first of the conditions of peace presented by Chil, in its relation to Peru. The Republic of Peru, he said, by reason of its predominant ideas, the principles it professes, and the feelings animating all classes of society, is incapable of consenting to the seizure of any portion of her territory, and still less of that which to-day constitutes the principal source of her wealth. He was not unaware that nations, in the absence of a supreme judge who might settle their controversies, generally decide them upon the battle-field, the conqueror who has obtained the decisive victory (which is not the case in the present war)

exacting that the party conquered, and without the means of continuing the struggle, shall yield to the demands which were the cause of hostilities; that in Peru these ideas are rooted in the public mind, being those professed and respected in republican America, and that he therefore believes, taking into consideration the present situation of the belligerents, a peace which was founded upon a cession of territory and a revival of the obsolete right of conquest would be an impossible peace; that even were the plenipotentiaries of Peru to accept and their government to ratify it—a supposition impossible to entertain—national sentiment would reject it and the continuation of the war be inevitable; that if the first condition be insisted upon, presenting it as indispensable in order to arrive at a settlement, all hope of peace must be relinquished, the efforts now being made become fruitless, with the prospect of new and disastrous hostilities before the belligerents; that, finally, the representatives of Peru deplore this result, not merely as patriots, but as Americans and as sincere friends of humanity. The fault cannot be imputed to them or to their government, since, if these negotiations fail, it will be through the influence of certain passions which have become inflamed so as to present as necessary the carrying on of a war of extermination, the consequences of which, if they be not measured to-day, will be suffered to-morrow.

His excellency Sr. Altamirano inquired if either of the representatives of Bolivia desired to add anything to the remarks of his excellency Sr. Arenas, in order that his reply might embrace the joint expression of opinion of the allies.

His excellency Sr. Baptista stated that he would prefer to hear the reply of one of the representatives of Chili to the plenipotentiary of Peru who had just spoken, after which he would manifest his views in regard to the rights of Bolivia.

His excellency Sr. Altamirano said that he found it difficult to describe the impression made upon him by the remarkable discourse of his excellency Sr. Arenas. It is partly a painful one, since, after these utterances, all hope of a proximate peace seems vain, and yet it is to a certain extent grateful, since, as he hastens to acknowledge, he finds there all that clearness, all that firmness, all that honorable frankness which the statesman should employ when the honor and future of his country are in question.

For his own part, added his excellency Sr. Altamirano, he would proceed likewise to manifest the opinion of his government, which is in perfect harmony with that of his country, and would endeavor,

in imitation of his excellency Sr. Arenas, to express that opinion with perfect clearness and frankness.

In the first place, he declared that, in drawing up the memorandum, neither he nor his colleagues had the intention of employing any word which might appear unacceptable to their excellencies the representatives of Peru and Bolivia, and asked that a note be made of this manifestation. The paper was a simple memorandum, which, according to the intention of the first impulse, was not intended to figure among the documents of the conference.

Having made this declaration, which he trusted would be accepted, he would enter upon the principal question, as desired by his excellency Sr. Baptista, and in so doing he would not swerve, for any consideration, from his firm intention not to contribute to leading the debate from proper limits. Keeping this end in view, he would not recall the origin and causes of this war, since it might bring up painful memories and recriminations; but would here place upon record that his government had sustained its lack of responsibility for events which have arrayed in arms three sister nations, and which cause the shedding to-day of the most precious blood of their children.

Chili, accepting the war as a painful necessity, threw herself into it without thinking of the sacrifices it imposed upon her, and in defending her rights and the honor of her flag, has sacrificed her dearest sons and spent her treasure without stint.

Such being the situation, her government has accepted with sincerity the idea of bringing the war to a close, always with the understanding that it be possible to attain a lasting peace, which shall compensate the sacrifices made, and permit Chili to return to labor, which is her existence. His government believes that to give these conditions to a peace, it is indispensable to advance her line of frontier. She would thus endeavor partly to compensate the great sacrifices made by the country, and insure the peace of the future. This demand is, for the Government of Chili, for the country, and for the plenipotentiaries who speak in her name, at this moment, indeclinable, because it is just.

The regions extending to the south of Camarones owe their present development and their progress entirely to Chilian labor and Chilian capital. The desert had been fertilized by the sweat of her laboring men before it was watered by the blood of her heroes.

To withdraw the authority and the flag of Chili from Camarones would be a cowardly abandonment of thousands of her citizens,

and a return, with aggravation, to the old and untenable situation.

His excellency Sr. Altamirano continued, saying that he could not conceive how his excellency Sr. Arenas could affirm that this pretension of Chili was in conflict with accepted principles and with established practice. The history of all modern wars contradicts his excellency and the examples of ratification of frontiers in America are numerous and belong to contemporaneous history. In the so-called conquest by Chili there is but one new phase, the fact that the territory in question, as he had stated a moment since, owes its present *status* to Chilian labor and enterprise.

I again repeat, Chili cannot withdraw her flag from that territory. The plenipotentiaries of Chili cannot sign any treaty so providing, or, should they sign it, their government and country would refuse their sanction.

His excellency Dr. Arenas stated that he would not refute, point by point, the arguments of his excellency Sr. Altamirano, since such refutation would be barren of results. Judging from the remarks he had just heard, Chili would not recede from her demands. There might be, nevertheless, in the opinion of his excellency, some means which, without compromising the future, might conduce to an honorable and permanent peace. He believed that the people of this continent have political and social affinities; that the animosities born of the momentary struggle are not to be eternal, and hence deduces the necessity for resolving this question with elevated judgment and abnegation of sentiment.

His excellency Mr. Christianity suggested that, as the Chilian plenipotentiaries had submitted certain propositions to those of Peru and Bolivia, which had been combated in this conference, so, perhaps, the latter might in turn present a proposal or a series of proposals tending to reach a solution. It might thus appear, perhaps, that the differences are not so irreconcilable as at first they may seem, and a practical as well as favorable result be attained.

His excellency Sr. Baptista said: "The categorical declarations of his excellency Sr. Altamirano appear to close the door to discussion. I appreciate, on the other hand, the frankness and courtesy with which he has proceeded. I will endeavor to keep pace with him in dignity of expression and clearness of reasoning. Let my words, therefore, if of no higher worth, be taken as the expression of our opinions. Their object is twofold; the one will

be the collective statement of our views, the other, an individual utterance of my own.

"We, the plenipotentiaries of Bolivia, find ourselves in perfect accord with the explicit declarations of his excellency Sr. Arenas upon the fundamental point of the acquisition of territory, be it called advance, cession, compensation, or conquest, and we so think, inspired by the origin and development of the political life of our America. We obey that first impulse which fifty years ago launched her upon her well-marked and hitherto unchecked career. There was error, perhaps, in not strictly obeying, from the beginning, the direction which a true appreciation of the future of the continent imposed upon our statesmen. Children of a common parent, mingling in one common mode of life, nourished by the same blood, bound by the same religion, animated by that bulwark handed down from the mother country, and the only one she saved in her decadence, the municipality; divided at most in local sections, it seems that the expansion of public life among us ought to have been more in common, more reciprocal, and more united. This was demonstrated by the undivided achievement of our independence, in which we labored as one family, without distinction of flag, pressing onward from La Plata, mingled in Chili, grouped together as a single, army in Upper and Lower Peru. In the hour of our emancipation it would seem, therefore, that we ought to have constituted ourselves into one grand autonomy, sectionally divided, instead of breaking it up into jealous nationalities, which, thanks to those artificial combinations, might become hostile. So felt our great men, and they early endeavored to lead us back to our primitive source of expansion. But their efforts, from the time of Bolivar, have been by means of ineffectual decrees and declarations, which, so far as they influenced our real life, went no further than mere aspirations. The men of forethought then considered that the desired reactions should be sought through other methods, more practical and more applicable to designs so vast. To endeavor to unite, successively and gradually, our different nationalities by the inducements of their mutual interests, to unify their economic and fiscal systems, to advance gradually by compacts that should draw us still more closely together, these were the aim and object of every truly American thought and sentiment. So my government understood it, and with this object in view it endeavored to develop its national policy in the treaty of alliance which unites it with the people of Peru. It is to be regretted that the unexpected and violent

nature of subsequent events should have falsified the true and natural commentary of that treaty. Intrinsically considered, properly studied, it was nothing more than a first agreement, the initial basis of American solidarity. It signifies peace on the frontiers, an open stipulation so that all might intervene to satisfy this first necessity. The Argentine Republic was invited, and in the counsels of my country it was then thought most natural and most proper to tender a similar invitation to the Republic of Chili.

“Another movement, notable in both republics, that of confederation, has the same motives and tends to satisfy the same needs. For this, there are in Bolivia two parties, which for a moment differed upon the question of method, but finally agreed to reject all tumultuous action, all appeal to popular clamor, leaving to the public conscience, prudently ascertained, to the criterion of the people, tranquilly consulted, the study and the acceptance of the new project, the discussion of which should be far removed from the warlike atmosphere now surrounding us and transferred with studious calm to its proper region, that of peace, since by its very nature it cannot be an instrument of war, but rather a pledge of successive conciliations. This is not a digression, but a necessary antecedent to the considerations which follow. We are passing through a crisis which tends to turn us aside from these special precedents, and from that historical current which should mold and influence the traits peculiar to our American life. One great deviation, until now unique, was that of Paraguay, which has dazzled the political conscience of some statesmen. America may perhaps be unable to resist a second and more extensive example. She would oscillate in her career irremediably. Let us not place in her bosom a perpetual source of uneasiness. Let us not station on the frontiers of her republics watchful and jealous powers, each mistrustful of the other, and absorbing, for their constantly increasing land and naval armaments, the very life blood of the country. Our legitimate expansion, that to which we have a natural right, is that of trade, of communication, of the employment of capital, in all of which the most powerful nation will best succeed. As conquerors and conquered, we should equally suffer from an abnormal condition of affairs, which would leave for the one the sullen labor of revenge, and for the other the sterile and costly task of preventing it. The reasons given by Sr. Altamirano, to justify the necessity of his first condition, would be more than satisfied by the study of another proposition, which I beg to present as a simple personal

indication of my own. I declare frankly that the natural results of success should be recognized and accepted. In the course of this campaign the advantages are on the side of Chili. Let us shape our action according to the requirements of the events of the war as they have occurred. It may, therefore, be assumed that the payment of an indemnity to Chili would be just. Let her retain the territory occupied as security, and let proper measures be taken to satisfy the demands which could justly be made against us out of the revenue derived from the same territory. This course could protect and guarantee the interests of all, and might be supplemented by other measures, which should insure satisfactorily the property and enterprises of Chili.

We are in perfect harmony with his excellency Señor Arenas in recognizing and respecting the elevated intention prompting his excellency Sr. Altamirano in the drawing up of his propositions. The ambiguous meaning of certain expressions, such as those of essential conditions which Chili demands, which at first sight seemed to bar the entrance to a free discussion among the plenipotentiaries, disappears before his loyal explanation. I repeat, there is no reason to dwell a moment longer upon this incident. To sum up, we do not accept the appropriation of the territory as a simple result of belligerent acts, whatever the name of the seizure. But I yet hope that a ground of discussion may present itself, whereon conciliatory measures may find room."

His excellency Sr. Altamirano observed that he found himself obliged to return to the discussion, since he could not permit the remarks of his excellency Sr. Baptista to pass unnoticed. In his eloquent discourse, and defending the policy of the government of his country, his excellency has presented the treaty, which in 1873, united Bolivia and Peru with a common purpose, as a frank and honest manifestation of the earnest effort of Bolivia to bring more closely together these nations, now unfortunately at variance, and states that they should march together, recalling the fact that they made the campaign of independence side by side, and that the destiny awaiting them in the future is the same. His excellency Sr. Altamirano added that he recognized the astonishing ability with which his excellency Sr. Baptista in his discourse upon the signification and reach of the treaty of 1873, had avoided the shoals; but his excellency will permit him, without qualifying that act of international policy, and without recalling the intent concealed between the lines of its text, to here enter protest and again repeat with his government that in that compact

is to be found the justification of the attitude of Chili and her demands. For the rest, he joins with enthusiasm in the noble and elevated views of his excellency the plenipotentiary of Bolivia, when he asks for these countries that union which is strength, and in the future will be the only source of their greatness and of the world's respect.

But, speaking in the presence of Americans, the representatives of Chili do not need to recall the earnest efforts of their government, nor what offerings or of what value, those she has laid upon the altar of American union and fraternity. Far less is this required in the presence of eminent Peruvians and Bolivians, who know the history of their country, since they themselves have helped to make it.

The representatives of Chili may rest tranquilly therefore; neither their government nor their country can be accused of employing a policy of hatred, nor of seeking her aggrandizement in the ruin of those she has called her brethren.

The solutions to this question are not infinite. There are, perhaps, but two; that indicated by Chili, and that which his excellency Sr. Baptista has been pleased to suggest. If the plenipotentiary of Chili declared for his part in the first conference that the condition proposed was indeclinable, and now repeats it, it was because his government considers the second combination deficient and unacceptable.

It is sad, he observed in conclusion, to have to resist appeals such as those which have just been made to us by their excellencies Sres. Arenas and Baptista, but if the extension of the frontier be an insuperable obstacle to peace, Chili cannot, ought not, to remove that obstacle.

His excellency Sr. García y García stated that he would not have uttered a single word after the brilliant efforts of his colleagues, their excellencies Sres. Arenas and Baptista, who have so fully gone over the ground in defense of the unquestionable rights of Peru and Bolivia, if certain doctrines developed by his excellency Sr. Altamirano had not rendered necessary a rectification, demanded by the prestige of America, and which, derived from her history and her traditions, exhibits the sentiments of Peru and her loyal international policy in all epochs. At the same time his excellency will endeavor to develop an idea already put forth, offering the clearest evidence of the spirit of justice with which he has come to these conferences.

He had given profound attention, said his excellency Sr.

García y García, to the remarks of his excellency Mr. Osborn, when, in the inaugural session, he said that the Government of the United States was to a certain extent responsible before the world in regard to the republics of the new continent, derived from the political principles and system of government which the former had implanted by their example, and which, under no circumstances, should be allowed to fall into discredit. These fraternal declarations are doubtless founded upon that great principle, uttered as a notification in the face of the world by one of the most illustrious Presidents of the Union, and practically maintained by all of his worthy successors. "America for the Americans," exclaimed President Monroe upon a solemn occasion, and in framing that immortal sentence he established the foundations of the new American public law, which, destroying all hope of usurpation, banished forever from the new continent those lords of divine right so well schooled to conquest as the surest means of expanding their territory. Hence it follows, since right and justice are one, and equally applicable abroad and at home, that the right of territorial sovereignty in America can only be voided by the spontaneous consent of nations, ratified by the approbation of the respective peoples. If, unfortunately, these prudent maxims be disregarded or violated, there would be at once sown broadcast the seeds of interminable dissensions, like those which with frequency occur on the old continent, and which would compel each State, as his excellency Sr. Baptista has well said, to maintain those immense armies and navies, the insatiable guardians of what they are pleased to call "armed peace or European equilibrium," which are nothing more than the precautions taken by each to avoid being dismembered or absorbed by the other, his neighbor.

Peru does not boast of her observance of these principles, nor has she awakened to them in consequence of the reverses suffered by her during the present war. This was her invariable course when, having been provoked into a rash and inconsiderate war in 1858, she held sway with her then powerful fleet over the entire Ecuadorian coast and adjacent islands, and occupied with her army the flourishing province of Guayaquil. How tempting the opportunity for an ambitious state. Nothing was easier than to have held permanent possession of that rich naval station, which would have been of such utility to Peru; but her interest gave way before her respect for the territorial integrity of nations constituted at the birth of republican America; and it is well known, your excellencies will remember, that once satisfied, and leaving many

benefits behind, Peru abandoned those shores, without carrying with her even a sample of their sands.

Nor is it possible for his excellency Sr. García y García, as he desires to place upon record, to pass over in silence one of the reasons given by his excellency Señor Altamirano as a singular title for the dominion which Chili seeks to establish over the territory of Tarapacá. He remembers that his excellency the plenipotentiary of Chili maintained that the entire population of that province being Chilean, and the capital and labor employed in its establishments being likewise Chilean, therefore to them belongs possession of the territory.

While his excellency Sr. García waves the consideration of the extension of "entire," as employed by his excellency Señor Altamirano, since, as the expression is totally at variance with the facts, he cannot believe that he would pretend to sustain it, nor that such was his intention, he cannot restrain the natural expression of his surprise at hearing reasoning so remarkable from one whose profound learning and elevated political stature render him a figure in American history he has ever contemplated with admiration. But his astonishment is greater upon reflecting that such views have been uttered in the presence of their excellencies, the three mediating ministers, whose great nation owes its immense development precisely to the foreign capital and labor which daily flow to its shores.

"With what hilarity," he exclaimed, "would be received in the political circles of Washington, the doctrine that should assert the right of Prince Bismarck to annex some of the newer Western States to the German Empire, the bulk of their population being German; or that Her Majesty Queen Victoria could, under like title, take possession of New York, a large portion of the inhabitants whereof are Irishmen!"

Having thus brought to mind the political principles briefly alluded to, and which are the only sure foundations of peace in America, having mentioned the historical fact, to which allusion has just been made, and to which other similar historical data are not added, for the sake of brevity, he added that he applauded the rectitude of views in which his excellency Sr. Baptista abounded, nor could it be otherwise; but deeming it indispensable to give to those ideas a tangible form, as it were, that shall carry conviction of our good faith to those dispassionate observers who are contemplating these republics; that shall satisfy our common decorum, and silence the exaggerations that may arise in our

respective countries, he proposes that all the points of these differences to which his excellency Sr. Baptista has alluded, and which shall be detailed in posterior discussions, be submitted to the arbitration without appeal of the Government of the United States of America, called to that high position by their elevated morality, their position on the continent, and the spirit of concord manifested impartially in favor of all the belligerent nations here represented.

His excellency Sr. Arenas added, seconding the views of his excellency Sr. García y García, that the arbitration proposed is the most practical and decorous solution that could be reached, abandoning thus the crooked paths trodden by these countries since the war began. He begged, once and again, their excellencies the representatives of Chili to ponder and meditate upon the direful consequences of a contrary determination.

His excellency Sr. Vergara said that it was not his intention in taking the floor to follow his excellency Sr. García y García through the various points of the argument to which he had just listened. He would confine himself to the proposal of arbitration which had been presented for debate, in order to declare peremptorily in the name of his government and in that of his colleagues that he does not accept it, in any form whatever. Chili has always professed a decided preference for this rational and equitable mode of procedure for the settlement of international questions, considering it as most in conformity with the tendencies of modern civilization, as well as the most suitable to her own. She has furnished evidence of this in all her disagreements with other nations, and very specially in the question which has brought about the present war. Before taking up arms and appealing to force, she repeatedly proposed to lay before an arbiter the settlement of the difficulty. Her voice was unheard, and she found herself unwillingly dragged into war.

Launched upon this course, which has demanded enormous efforts and sacrifices, Chili has succeeded, through the repeated triumphs of her arms, in placing herself in a position of vantage permitting her to demand a peace, guaranteeing the future and compensating the injuries she has received and the sacrifices imposed upon her. As she has incurred all the risks of war, exposing herself to the disastrous consequences of reverses of fortune, so also should she enjoy her unquestionable right to profit by the advantages given her by their successful result. Chili seeks an enduring peace, which shall consult both her present and

future interests, which shall be proportioned to the elements and power she possesses to obtain it, to the labor already performed, and to well-founded national aspirations. This peace she will negotiate directly with her adversaries when they accept the conditions she deems necessary for her security, and there is no reason whatever why she should deliver up to other hands, honorable and secure as they may be, the decision of her destinies. For these reasons she declares that she rejects the proposed arbitration.

His excellency Sr. Lillo said that he had not expected to have addressed this solemn conference, but the proposal of arbitration presented by his excellency Sr. García y García compelled him to forego his intention. He believed it his duty to fully indorse the rejection of that proposal already manifested by his honorable colleague, Sr. Vergara.

He understood and accepted arbitration when it was desired to avoid a war. This is the most worthy, the nobler course, harmonizing best with the principles of civilization and fraternity which should guide enlightened nations, and more especially those who by their antecedents and intimate relations form a single family; but arbitration has its opportune moment, and this, for the negotiations of peace which occupy us to-day has unfortunately passed.

Arbitration, after the struggle and after the victory, cannot be a solution acceptable to Chili. What could she ask of the arbiter? That he value the sacrifices made by Chili in a war to which she had been provoked? That he estimate the price of the blood of her sons? That he calculate the indemnity due to her efforts? That he foresee all that would be required in the future, so that she should not be under the painful necessity of having again to take up arms in defense of her rights and her tranquillity?

Solutions to questions like these, after costly and sanguinary victories, can and ought only to be given by the nation which has crowned such sacrifices by success.

His excellency one of the plenipotentiaries of Bolivia has invoked American fraternity, and the necessity of not causing antecedents to figure in the settlement of this contest which might establish in the public law of these countries the idea of conquest. The speaker accepted and applauded the sentiments of fraternity alluded to, but war will be more difficult in the future in proportion as the sacrifices it imposes are greater for those who attempt to provoke it.

Chili neither desires nor will she ever consent to establish the right of conquest. What she asks is a just compensation for her sacrifices in this fatal struggle, and protection to communities essentially Chilian, who would not accept the fact of their abandonment, since they live and flourish to-day under the shadow of her flag.

Cession of territory, after great advantages obtained in war, is a fact which has frequently occurred in republican America in modern times. Nations which have so acted have had no reason to repent, since, while seeking just compensation for their efforts, they carried wealth and progress to the regions surrendered to them.

Arbitration, and arbitration at the hands of the great nation, model of republican institutions, will be always accepted by Chili with the applause of the people; but the opportune moment has gone by, and to accept it, under present circumstances, would be, for Chili, an act of vacillation and of weakness.

He understood that the plan proposed by his excellency Sr. Baptista might be taken into consideration. According to it, Chili would fix her war indemnity and her conditions, retaining possession of the Peruvian territory now occupied by her arms, as a guarantee, until she should receive the satisfaction of her demands. He repeats that he understands this solution, but it is not that which the instructions of their government impose upon them, and although personally he thinks these indications worthy of consideration, he is compelled to remain within the limits of the instructions received.

His excellency Sr. Carrillo said:

"The grave and positive declarations which have been made in regard to the principal proposition presented are calculated to almost extinguish the hope of a peaceful arrangement. Nevertheless, the idea is so grand, so great the interest of the questions submitted to the deliberations of this honorable assembly of plenipotentiaries, that I deem it indispensable to endeavor, if possible, yet to find a formula of acceptable solution, which if not immediately considered, as being irreconcilable with existing instructions, might be submitted by their excellencies, the plenipotentiaries, to their respective governments.

"Arbitration has just been proposed, and in this highly conciliatory measure may perhaps be found a peaceful solution.

"We cannot ignore that the deliberations of the present conference attract, at this moment, the attention of the civilized

world. Here is to be decided, not only the fate and future of the three republics, but the great interests of America. The precedents for the new public law of South America are about to be established, a legislation which, from the especial character of its conditions, cannot but diverge from European doctrines. There the traditions of predominance, the diversity and tendency of races to unification, maintain a permanent struggle between the past and progress. Europe, in spite of her noble aspirations, still finds herself confined within a circle of iron from which she cannot escape. In the meanwhile America, formed of peoples ushered into political life by their own exertions, and established under identical institutions, knows no other tradition than that of having struggled against conquest and against the mastery of force, from which she has separated forever. With her, wars of preponderance have no reason to exist, and even the practices of war must become less disastrous and cruel.

"Thus international disagreements, however grave, between nations closely bound by their origin and common destiny, should in preference be settled by conciliatory methods, such as the proposed arbitration. Arbitration, your excellencies, as an honorable expedient, is the supreme aspiration of nations, and there is no question, however grave and difficult, that cannot, by this means, reach a most satisfactory result.

"The only objection that has been urged against arbitration consists in that, in the opinion of his excellency Sr. Lillo, the Republic of Chili cannot permit that a third party estimate the price of the blood of her sons, or the value of her sacrifices. I fail to find sufficient solidity in this reasoning. The very expression, 'estimate the price of blood,' is not in my opinion the most proper. The arbitrator, in his high impartiality, would appreciate the demands of the Government of Chili, with due reference to her sacrifices, to the blood shed and to the advantages obtained, up to the present, in the field. If these demands are just, if the blood that has been shed confers upon a belligerent the right to obtain concessions, if the securing of peace requires sacrifices from the other states, even to the modification of their international frontiers, and if all this is in conformity with the rights of war, the friendly power, constituted by common confidence into a tribunal of arbitration, will so decide; its award will consult that which is most equitable, most proper for the establishment of a lasting peace. If this procedure is worthy of all concerned, there is no reason to doubt that the arbitrator would consult the interest of

Chili, in the state in which the war is at this moment. This decision would come out from the sacred regions of impartiality, it would be the calm expression emanating from justice, and would bring with it reconciliation and true peace, entirely honorable for Chili and acceptable without humiliation by the other republics.

"If the arbitral award should prove adverse to the interests of Bolivia and of Peru, and should declare the necessity of territorial concessions, the allied republics, even in this case, would bow to this decision in homage to this supreme tribunal of nations.

"For the first time and at the expiration of more than a year of war, too protracted for young republics who are sacrificing their population and their resources, has the voice of reason instead of force, for the decision of the question of the Pacific, been raised by an American nation. The only expedient remaining is arbitration; through it American interests and republican institutions may yet be saved.

"From the midst of Europe, where international boundaries are frequently changed in contradiction to the progress of right; where a race or a power rules over another to-day, to be in turn perturbed to-morrow; from there the brightest minds, the profoundest thinkers, contemplate America as the true country of the justice, the equality, and the fraternity of nations. From that continent is sent forth the brilliant light of progress and justice to find unobstructed realization in America.

"Will the Republic of Chili, which has attained, earlier than the rest, remarkable progress, and which is consequently called upon to march in the van of this movement, introduce into the policy of America the practices imposed upon Europe for reasons adverse to progress?

"I recall another argument against arbitration, 'that it could only be accepted before war.' Arbitration, your excellencies, which reconciles all differences, is acceptable, in my judgment, at the outset of a war, to prevent it, during its course, to stop its ravages, and up to the close of the contest, in honor of the victor, who should have the wise foresight to leave the declaration of conditions to the arbitration of a respected neutral power. Victory would thus insure her advantages, and achieve peace without the hatred of the vanquished.

"Moreover, international arbitration is distinct from that employed in questions of private interest. In these the judge confines himself to the decision of the original question, its conditions remaining unaltered. International disagreements are

appreciated and decided with all amplitude, and according to the condition of the parties or the belligerents, and in conformity to the rights derived from the war.

"The proposition of my colleague, his excellency Sr. Baptista, has been expressed as his private opinion; for my own part, I indorse it, and am persuaded that, for the sake of great international interests, it will be approved by the government of my country. I renew it therefore in this form: '*Statu quo* of the territory occupied by the forces of Chili, pending the decision of the tribunal of arbitration proposed upon all points in dispute;' a solution frank and American.

"Before concluding, I deem it opportune to state that when the respected mediation of the most excellent Government of the United States of America was offered to Bolivia, my government, as well as public opinion, felt satisfied that peace would result; for that mediation was accompanied by another word—arbitration—which signifies justice and honor for all, humiliation to none.

"In this persuasion, and with a policy of frankness, the Bolivian plenipotentiaries have come to this conference."

His excellency Mr. Osborn remarked that it seemed proper to him, as well as to his colleagues, to place upon record that the Government of the United States does not seek the position of arbiter in this question. A strict compliance with the duties inherent to that position would involve much trouble and great labor, and while he could not doubt that his government would accept the position if duly requested to do so, it was nevertheless proper that it be understood that its representatives did not court that distinction.

His excellency Sr. Altamirano stated that, after the brilliant argument just made by his excellency Sr. Carrillo, in favor of the arbitration proposed by his excellency Sr. García y García, he is compelled to once more weary the conference with his remarks:

It is very painful for him and for his colleagues, and doubtless will be for his government, to refuse a proposal for arbitration; to decline to accept a judge so highly placed and so nobly inspired as the Government of the United States.

It is necessary, therefore, to clearly establish that arbitration is the standard which Chili has invariably raised in her international questions, and it is, above all, necessary to remember that, in order to avoid this sanguinary war, she also offered to appeal to judges before drawing the sword. That was the moment, and it is most deplorable that her offer was not accepted.

According to his excellency Sr. Carrillo, if this conference should close with the acceptance of arbitration it would be an epoch of glory for America, and a just, lofty, and noble policy would be inaugurated for the future.

His excellency Sr. Altamirano concurred with his excellency in the desire to see arbitration elevated to the position of the sole and obligatory method of deciding differences between nations; but if it were in the present instance accepted by the plenipotentiaries of Chili, they would be justly accused and justly condemned at home as guilty of desertion from duty, and almost of treason to the clearest rights and interests of their country.

He warmly indorses his colleagues, therefore, in their rejection of the proposal of his excellency Sr. García y García, and would here conclude were it not that he must address a single word to that honorable gentleman.

His excellency Sr. García y García rejecting indignantly, in the name of civilization, the principle of conquest invoked by Chili, has reminded us that Peru, when victorious in Guayaquil, withdrew without carrying away a grain of her sands, and leaving behind her the memory of many benefits.

Sr. Altamirano does not propose to give a course of history, since for his part he does not wish that the tone of these discussions, hitherto calm and dignified, should be changed by any act of his; but should he do so, he might find examples of rectifications of boundary, perhaps of the very line separating Peru from Ecuador; but this would be useless, and after the declarations made, would lead to nothing.

His excellency Mr. Osborn inquired whether any one of those present desired to take the floor, and no one expressing a wish to do so, declared the conference adjourned until Wednesday, the 27th, at 12 o'clock noon, and the session closed at 4 p. m.

M. Baptista, Juan C. Carrillo, J. F. Vergara, E. Altamirano, Eus. Lillo, Antonio Arenas, Aurelio García y García, Thomas A. Osborn, I. P. Christianity, Charles Adams.

F. Avelino Aramayo, Secretary of the Bolivian Legation;
Domingo Gana, Secretary of the Plenipotentiaries of Chile;
M. N. Valcárcel, Secretary of the Plenipotentiaries of Peru;
Charles S. Rand, Secretary and Interpreter of the Mediators.

PROTOCOL No. 3

[Translation]

On board of the North American corvette Lackawanna, in the bay of Arica, on the twenty-seventh day of October, 1880, all the plenipotentiaries having met together, viz:

On the part of Bolivia, their excellencies Dr. D. Mariano Baptista and Dr. Don Juan Crisóstomo Carrillo.

On the part of Chili, their excellencies Sres. D. José Francisco Vergara, secretary of state in the departments of war and the navy, D. Eulogio Altamirano, and D. Eusebio Lillo.

On the part of Peru, their excellencies Dr. D. Antonio Arenas and D. Aurelio García y García.

In the presence of their excellencies, the mediating ministers of the United States of America, Thomas A. Osborn, esq., Isaac P. Christiancy, esq., and General Charles Adams.

His excellency Mr. Osborn expressed his thanks to their excellencies the plenipotentiaries for their presence, and his hope that the time which had elapsed since the preceding session may have allowed them to discover some means of arranging existing difficulties.

He then declared the conference open.

The minutes of the preceding meeting were read and approved.

Mr. Osborn then signified his readiness to hear any suggestions that it might be thought proper to make.

He then addressed himself to each one of their excellencies the plenipotentiaries of Chili, asking him if he had anything to observe in relation to the matters under discussion. Their excellencies the plenipotentiaries of Chili stated that in conformity to their instructions it was impossible for them to make any modification whatever in the condition laid down.

His excellency Mr. Osborn then invited each one of their excellencies the plenipotentiaries of Peru to manifest, if so disposed, their ideas upon the subject. Their excellencies the plenipotentiaries of Peru declared, in reply, that as Chili insisted upon the maintaining of the first condition, and the arbitration proposed by them not having been accepted, it was impossible for them to go into an examination of the other conditions; that every door had been closed to them, and the continuation of the war rendered necessary; and that the responsibility of its consequences must not rest upon Peru, who had indicated a decorous means of reaching peace.

His excellency Mr. Osborn invited in turn their excellencies the

plenipotentiaries of Bolivia to make known their ideas, and they stated that for their part they considered the situation to be clearly and sharply defined. There is one condition, the first presented by their excellencies the plenipotentiaries of Chili, as indeclinable, which the allies cannot accept. There is another, that of arbitration, suggested by their excellencies the plenipotentiaries of the allied republics and rejected by those of Chili; and there is finally a third, which has been proposed separately by the representatives of Bolivia, but which has not been taken into consideration. They consider, in view of this result, that the negotiation has reached its close, and regret that the political situation of the respective countries should not have permitted a common agreement to have been reached.

His excellency Mr. Osborn declared that he and his colleagues profoundly lament that the conference should not have yielded the pacific and conciliatory results hoped from it, and believe that the same impression will be made upon the government and people of the United States when the fact is communicated to them that the friendly mediation of the United States has been fruitless.

He therefore declared the conference closed, in witness whereof they signed.

M. Baptista, Juan C. Carrillo, J. F. Vergara, E. Altamirano, Eus. Lillo, Antonio Arenas, Aurelio García y García, Thomas A. Osborn, I. P. Christianity, Charles Adams.

F. Avelino Aramayo, Secretary of the Bolivian Legation; Domingo Gana, Secretary of the Plenipotentiaries of Chili; M. N. Valcárcel, Secretary of the Plenipotentiaries of Peru; Charles S. Rand, Secretary and Interpreter of the Mediators.

No. 33

Memorandum from Minister Hurlbut to Admiral Lynch, upon the peace conditions, August 25, 1881. ("Papers relating, etc.," 1882, Sen. Ex. Doc. No. 79, p. 516.)

LIMA, *August 25, 1881.*

ADMIRAL: In order to prevent any misconstruction as to the conversation I had with you on yesterday as to the condition of affairs between Peru and Chili, I have thought it best to reduce the statement to writing.

MEMORANDUM

Without any reference to the causes of the war, I understand my government to be of the opinion that all legitimate purposes of war have been accomplished by the overwhelming defeat of the Peruvian armies, the capture or destruction of their navy, and the occupation of the capital and entire sea-coast.

When organized and respectable resistance has ceased the state of war ought to cease. That commerce and the rights of neutrals have been sufficiently injured; and that the large interests in Peru which are held by foreigners, many of them Americans, should not longer be imperiled by the unnecessary prolongation of the state of war.

For these reasons, and because of the friendly feeling of the United States to both parties, we are of the opinion that peace is the first duty of both nations.

I wish to state further, that while the United States recognize all the rights which a conqueror gains under the laws of civilized war, they do not approve of war for the purpose of territorial aggrandizement, nor of the violent dismemberment of a nation, except as a last resort and in extreme emergencies. As there never has been any question of boundaries between Peru and Chili, and therefore no frontiers to regulate, and as Chile has repeatedly, publicly, and officially disclaimed any purpose or design of forcible annexation of territory, we are clearly of opinion that such action now would not comport with the dignity and public faith of Chili, and would be disastrous to the future tranquillity of both countries by establishing a very serious grievance, which would constantly tend to manifest itself in disturbances.

The United States concede, as a matter of public law, that Chili has the right (under the code of war) to full indemnity for the expenses of the war; and that Peru ought to pay such indemnity as may be agreed on by the parties, or be determined by a disinterested arbiter, in case they cannot agree (if such mode be selected); and further, that Chili has the right to demand securities, if time is given for the payment.

But we are also very clearly of the opinion that Peru ought to have the opportunity, in full and free discussion of the terms of peace, to offer such indemnity as may be satisfactory; and that it is contrary to the rules which should prevail among enlightened nations to proceed at once, and as a *sine quâ non* of peace, to transfer territory, undoubtedly Peruvian, to the jurisdiction of Chili, without first demonstrating the inability or unwillingness of Peru to furnish indemnity in some other form.

Such a course on the part of Chili would meet with decided disfavor on the part of the United States.

It ought to be borne constantly in mind that Chili has won military reputation, and can afford to deal not only justly, but liberally. Peru has lost military reputation, and cannot afford much further humiliation, and that it is never wise to drive even a conquered people into desperation. Chili has acquired her high place among the nations by the benefits of a settled government; by due enforcement of the laws; by the labor and industry of her people; in short, by the arts of peace. To this she has added, in this war, splendid triumphs by land and sea. The United States would deeply regret if she should change her course and be carried away on a career of conquest, because the military and aggressive spirit would interfere with her true progress, excite dangerous animosities, and combine many elements against her. We are, therefore, of the opinion that the act of seizure of Peruvian territory and annexing the same to Chili, whether done by mere superior force or by dictating the same as an imperative condition of the cessation of hostilities, in manifest contradiction of previous disclaimers of such purpose by Chili, would justly be regarded, by other nations, as evidence that Chili had entered upon the path of aggression and conquest for the purpose of territorial aggrandizement. The United States desire, above all things, that peace should continue among the South American republics, and that commerce and industry should combine to develop their wonderful resources to their own advantage, and for the benefit of the world, and we are unable to see any good

reason why the state of war should much longer continue, to the serious prejudice of such vast interests, nor any good reason why peace, on terms of justice, should not be consummated at an early period, without unnecessary humiliation to one party and with full satisfaction of all the appropriate demands of the other.

S. A. HURLBUT.

No. 34

Paragraph of Mr. Hurlbut's dispatch to Mr. Blaine, October 26, 1881, relative to the Peruvian proposals to pay a war indemnity. ("Papers relating, etc.," 1882, Sen. Ex. Doc. No. 79, p. 539.)

No. 23.]

LEGATION OF THE UNITED STATES,
Lima, Peru, October 26, 1881.

* * * * *

Unless the United States do take such positions, indefinite military occupation of Peru, or so much as the Chilian forces can cover, will be the result; anarchy, violence, plundering by petty war parties will dominate over the country, and the ruin of all foreign investments in the country will follow. If the United States, after denying to these people any application for aid from any European state, shall themselves refuse any help in their desperate situation, it would seem to be almost a breach of national faith. I myself, am a profound believer in the right and duty of the United States to control the political questions of this continent, to the exclusion of any and all European dictation. This belief I understand to be held also by the American people, and to have been asserted by Congress. This I also understand to be the doctrine of the administration which sent me to this place.

The opportunity to put the doctrine into practice is now before us, and as the communication is so slow I state here the probable course of affairs, and ask for instructions.

The two Chilian plenipotentiaries, Altamirano and Novoa, have arrived to-day. They are said to have full powers. They will either recognize the Calderon government or fail to find any with which they can treat. If they do not recognize that government I shall consider such fact evidence that they do not want peace. If they do, and peace negotiations commence, I believe they will drop the word "cession" and substitute "pledge"; that they will demand an enormous indemnity, and to hold the southern provinces as pledge and security for the payment.

Peru will offer thirty to forty millions as indemnity. This will be refused, and then affairs are at a stand. Peru will then offer

to submit the question of amount to arbitration. This offer, I think, will be refused.

It seems to me that the opportunity for the United States will be to insist early in the negotiation, and forcibly, that the principle of arbitration shall be accepted and acted on.

* * * * *

S. A. HURLBUT.

No. 35

Minister Hurlbut's dispatch to Mr. Blaine, November 9, 1881, respecting the imprisonment of Mr. Garcia Calderon and the intentions of Chile. ("Papers relating, etc.," 1882, Sen. Ex. Doc. No. 79, p. 560.)

No. 26.] LEGATION OF THE UNITED STATES,
Lima, Peru, November 9, 1881. (Received December 3.)

SIR: The event of the week has been the arrest of President Calderon and Sr. Galvez, his minister for foreign affairs, by the Chilian military authorities.

You have been advised that on the 28th September, Admiral Lynch, by order of that date, suppressed the Calderon government, and forbade the exercise of any authority by them.

Sr. Calderon has been quite careful to make no ostentatious display, but has never ceased to perform acts of authority. On the 4th of this month he caused a circular to be sent by his secretary, Sr. Galvez, to the diplomatic body of this city, giving them information of Montero's adhesion to his government. This act is said to be the provocation to this singular violence by Chili.

I am informed, on good authority, that the arrest was advised against by Altamirano and Novoa, but peremptorily ordered from Santiago. It was effected about 2 o'clock on Sunday morning, the 6th, with a good deal of unnecessary military display. A battalion was placed in the street in rear of his house and the entire block closely guarded. A company was thrown out across the front of this legation, which is only three doors from Sr. Calderon's house, probably to prevent his seeking asylum here. Sr. Calderon, however, had no idea of attempting escape, and was found in his house. He and Sr. Galvez were at once taken to Callao and put on board the iron-clad *Cochrane*, which sailed on Monday evening. Their destination is said to be Santiago.

The real purpose of this arrest undoubtedly was to check the strong movement in Peru toward the support of the constitutional government, and to continue the state of anarchy and confusion as a ground for Chilian occupation. It is also quite possible that it was intended to be understood by the people at large as the reply of Chili to the known support of that government by the United States. This purpose will of course be disavowed, but

there is no doubt in my mind that it exists, nor that it is so understood by every one here.

The policy of Chili is transparent, and is in fact avowed in a semiofficial way by their organ in this city, *La Situacion*. It is to hold this country under armed occupation until they can find or create some one with whom they can make peace on their own terms. The Calderon government, supported by nearly the whole of Peru, was rapidly acquiring a dignity and position which must have been recognized by all nations, but it was known that it would not submit to mere dictation of terms of peace. Therefore, by the use of pure force, the head of that government has been removed, and secret negotiations opened with Piérola.

I notified you of the fact of the arrest by telegraph of 7th.

As soon as Montero informs me that he has accepted and entered on the duties of President *ad interim*, as provided by law, I shall formally and publicly recognize his authority during Calderon's disability.

* * * * *

S. A. HURLBUT.

No. 36

Mr. Morton's dispatch to Mr. Blaine, August 11, 1881, treating of the desire of the French Government to add its action to that of the United States for the purpose of securing peace.
(“Papers relating, etc.,” 1882, Sen. Ex. Doc. No. 79, p. 596.)

No. 6.] LEGATION OF THE UNITED STATES,
Paris, August 11, 1881. (Received August 24.)

SIR: The attitude and correspondent relations of France, England, and the United States, with the South American States, Chili and Peru, since the late termination of hostilities was the subject of a private interview which I had the honor to have yesterday afternoon, at the palace of the Elysées, with President Grévy. The meeting was unofficial and sought by his excellency for a mutual exchange of thoughts on a subject which appeared to have received his careful study. In the conversation which ensued, his excellency alluded to the two abortive attempts on the part of the governments of France and England towards affecting some practical agreement between these two South American states. He referred in a general way to the desirability of establishing between our respective governments the basis of a mutual understanding in regard to the policy which might be jointly adopted by us both towards securing an early return of order and stability in the affairs of Chili and Peru, as far as comports with our national traditions and usages in the management of public affairs with foreign states. He spoke of the many unsatisfied claims of French subjects on the Peruvian Government, and expressed his strong disapproval of the extravagant demands made by the Chilian Government and conditions of peace which, if literally enforced, he apprehended would achieve the permanent enfeeblement, perhaps annihilation of the Peruvian states. In using this language, his excellency indeed acknowledged the right of Chili as a conquering power, to certain indemnities and privileges to be embodied in the final treaty of peace, &c., but which he thought required particular modification, and he was of the opinion that another attempt at mediation, on the part of foreign governments, and especially of the United States, was requisite for the purpose of reaching a satisfactory solution of the present state of chaos and disorder, which now there obtains.

In my reply I said I had received from my government, as yet, no instructions or intimation in regard to the course it might pursue towards these South American states. I felt, however, his own views, as expressed to me, would, if presented, receive the most favorable consideration. I continued to say, my government, I believed, had already striven, but without success, to interpose, as the equal friend between Chili and Peru, with a view to a reconciliation, and I had no doubt that, as suggested by President Grévy, a third attempt at mediation on our part would be ventured. And I concurred with his excellency in the hope the heavy demands of Chili might possibly be modified, as I also felt that, if executed, they must limit, if not extinguish, in that State, the future development of private enterprise, as well as the employment of foreign capital, by which alone its natural resources could receive extension. At the close of this interview his excellency requested the informal transmission to you of the substance of his remarks, which I have the honor herewith to do, and I take pleasure to add that I regard this meeting with President Grévy as a renewed instance of the cordial relations now so happily existing between our two republican governments.

I have the honor, &c.,

L. P. MORTON.

No. 37

Mr. Blaine's reply to Mr. Morton, September 5, 1881. ("Papers relating, etc.," 1882, Sen. Ex. Doc. No. 79, p. 597.)

No. 30.]

DEPARTMENT OF STATE,
Washington, September 5, 1881.

SIR: I have to acknowledge the reception of your dispatch, No. 6, of date August 11, 1881, giving an account of your interview on the day previous with the President of the republic in regard to the attitude and correspondent relations of France, Great Britain, and the United States with the South American states, Chili and Peru.

The remarks made and the suggestions offered by President Grévy concerning the situation of affairs in Peru have received that careful and respectful consideration due to the utterances of so eminent a statesman and the Chief Magistrate of France. I hasten to say that this government agrees with him in profoundly deploring the disorders and sufferings that have already fallen upon, and the others that continue to impend over the people of Peru, and fully shares the humane and enlightened sentiments which have inspired in him a personal interest in that unfortunate struggle, and have induced him to suggest a concerted effort by France, Great Britain, and the United States to bring the conflict to an end.

Such interventions are frequent in European diplomatic history, and have been sometimes followed by beneficial results in preserving the equilibrium of the powers. But the United States has not belonged to that system of states, of which France and Great Britain are such important members, and has never participated in the adjustment of their contentions. Neither interest nor inclination leads this country to wish to have a voice in the discussion of those questions; but our relations to the states of the American continent are widely different, and the situation is so nearly reversed, that this government, while appreciating the high and disinterested motive that inspired the suggestion, is constrained to gravely doubt the expediency of uniting with European powers to intervene, either by material pressure or by moral or political influence, in the affairs of American states. These republics are younger sisters of this government. Their proximity

of situation, similarity in origin and frame of government, unity of political interest on all questions of foreign intercourse, and their geographical remoteness from Europe have naturally given to American states close and especial relations to each other, and in the course of time removed them further from the European system.

The interests, commercial and political, of the United States, on this continent, transcend in extent and importance those of any other power, and where these immense interests are deeply involved this government must preserve a position where its influence will be most independent and efficient. In the contest between Peru and Chili, the United States has watched the progress of the struggle with painful interest, and endeavored, as opportunity offered, to arrange terms of peace; and you will say to the French Government that, while the interest which President Grévy has manifested for the cause of peace, and his sympathy with the unhappy victims of this war, find an earnest response here, both from the government and the people, the United States declines to enter into negotiations with European powers for a joint intervention in the affairs of Chili and Peru.

I have, &c.,

JAMES G. BLAINE.

No. 38

Mr. Morton's dispatch to Mr. Blaine, October 20, 1881. ("Papers relating, etc.," 1882, Sen. Ex. Doc. No. 79, p. 598.)

No. 58.]

LEGATION OF THE UNITED STATES,
Paris, October 20, 1881. (Received November 3.)

SIR: A few days since I had the honor of a personal interview with President Grévy, to whom I communicated the subject of your dispatch No. 30, with reference to the affairs of Chili and Peru.

The President expressed himself as in entire accord with the position taken by the Government of the United States, as indicated in your dispatch and the letter addressed by General Hurlbut to the Chilian admiral—copies of the latter of which having been furnished to the President and myself by Sr. Rosas, the minister of Peru, appointed by the Calderon government.

He added that annexation by a victorious nation of the whole or a large part of the territory of the subdued nation, or even the exaction of an undue indemnity of war, was contrary to the now admitted rights of nations as well as to the interests of neutrals. That a victorious nation had the right to secure the fruits of its victories, there was no doubt, but it had not the right to impose upon its powerless enemy burdens amounting to annihilation.

In reply to my reference to the sentiment and traditions which had so long existed in the United States in regard to what might be termed joint action with European powers, he replied that he was fully aware of the existence of such feeling, and that he could well understand its force and legitimate foundation.

As to the negotiations between Peru and Chili, he said that he had made known his views to me, but with no definite intentions of doing more than extending the good offices of France, if they were needed.

The United States, he further remarked, was fully competent to deal with the matter, and he was glad to see that it had realized the situation, and was ready to meet the circumstances of the case, and France gave a most cordial approval to the action which had been taken by the United States.

I remarked that the United States and many other countries had already recognized the Calderon government, to which he

replied that France had not yet done so, because it seemed to her that the Calderon government had rather the support of the Chilian Government than of the people of Peru; but that as soon as it appeared evident that it was national in its character, France would recognize it with pleasure.

Before leaving, the President remarked to me that although our conversation was unofficial in the sense that he could do nothing in the matter without consultation with the minister of foreign affairs, the views and opinions he had expressed were those of the French Government. This statement he emphatically authorized me to make to my government.

In another conversation which I have had since the interview with Sr. Grévy referred to, on the same subject, he reiterated his expression of the foregoing sentiments. I summed up the position taken by France by declaring very explicitly that it was willing to act with or in the same direction as the United States, if the latter so desired, or to leave the Government of the United States to proceed alone, if it preferred the latter course.

I have, &c.,

L. P. MORTON.

No. 39

Telegram from Mr. Trescot to Mr. Frelinghuysen, January 23, 1882, upon the peace conditions demanded by Chile. (Foreign Relations, 1882, p. 61.)

[Telegram]

SPECIAL MISSION,
Santiago, January 23, 1882.

FRELINGHUYSEN, *Washington:*

After several confidential interviews, Chilean minister for foreign affairs disclaims offending by the removal of Calderon. Will accept good offices, and will facilitate conference between the provisional government of Peru and myself, with the exception of Calderon. Peace on the following conditions: Absolute cession of Tarapacá; and, further, an indemnity of twenty millions, payable in ten years; to occupy Arica positively ten years; the indemnity unpaid, cession to Chili; appropriation of guano at Lobos; Peru refusing no further interference by the Government of the United States.

To offer good offices on the conditions named not according to instructions.

I have to suggest, send instructions. Do not interfere on the conditions named. You may recognize the necessity of ceding Tarapacá; if that modification cannot be obtained, carry out your instruction numbered two.

TRESCOT.

No. 40

Note from Mr. Frelinghuysen to Mr. Trescot, February 24, 1882.
(Foreign Relations, 1882, p. 73.)

No. 7.]

DEPARTMENT OF STATE,
Washington, February 24, 1882.

* * * * *

On the evening of the 23d of January, I received a cable from you, the main part of which was easily decipherable; some parts, however, were more difficult. As rendered, it informed the Department that all intention of offending by the removal of Calderon was disclaimed; that our good offices were accepted, and would facilitate conferences with the Peruvian Government, with the exception of Calderon; and that Chili was prepared to make peace on the condition of the cession of Tarapacá, and payment of \$20,000,000 within ten years, Arica to be occupied until payment, and to be ceded to Chili in case of default in payment, the guano at Lobos to be appropriated by Chili. In case Peru should refuse peace on these conditions the United States were not to interfere further. You further stated in this telegram that your instructions did not authorize you to offer the good offices of the United States on these conditions, and suggested that I should instruct you not to interfere on these conditions; that you might recognize the necessity of ceding Tarapacá, but if these modifications could not be obtained, I should instruct you to carry out your instruction No. 2.

* * * * *

On the 2d of February, you cabled me that it was desirable that I should reply to your telegram of the 23d, and I did so on the 4th of February. I said that this government proposed only to give counsel and to aid in negotiations, and that Chili must determine for herself whether it was wise to listen to such counsel. I reiterated the substance of the former instructions of the President that the United States would not take part in negotiations which are based upon both the surrender of Tarapacá and the payment of \$20,000,000. I told you that the demand was looked upon as exorbitant, and that it was thought that the time had come when Chili might be magnanimous and just. Again, on the 21st instant, I telegraphed you that the President and the Department had

been hoping that you would report progress by cable. I instructed you that a liberal war indemnity which was not unjust would be assented to by this government, but that the session of Tarapacá could not be assented to unless you should first cable here for further instructions, and I told you that if Chili should insist upon that session it was not impossible that the creditors of Peru would maintain that its revenue was hypothecated to them. I further instructed you that the President urges moderation on the part of Chili. Since then I have received nothing from you until your No. 1 arrived a few days since.

My telegrams, if they have reached you in an unmutilated form, will have possessed you of the substance of the President's wishes in this matter. He is very desirous of having the good offices of the United States made available for the restoration of peace; but he is not willing to become the medium for a proposal, which, in his judgment, is so onerous that it cannot be entertained by Peru. He is still of the opinion that it would be the part of far-sighed wisdom in Chili to accept from Peru the payment of a just indemnity in money, guaranteed, if insisted on, by temporary occupation of territory rather than peremptorily to demand cession of territory.

On the other hand, he remains convinced that the United States has no right which is conferred either by treaty stipulations or by public law to impose upon the belligerents, unasked, its views of a just settlement, and it has no interests at stake commensurate with the evils that might follow an interference, which would authorize it to interpose between these parties, further than warranted by treaties, by public law, or by the voluntary acts of both parties.

If Chili is indisposed to listen to friendly advice on this point, the President, as my cable has already informed you, will not take part in negotiations which are based upon both the surrender of Tarapacá and the payment of a large indemnity.

To demand of Peru the surrender of the valuable province and the payment of \$20,000,000 in ten years, with a disorganized government, provinces in anarchy, and a despoiled territory, is to ask for that which Peru in all probability cannot render.

The President cannot permit this government to be a party to such a demand. If there is to be no modification in those terms, it will be the part of wisdom in Chili to carefully consider to what the refusal may lead. The President feels that you may, without impropriety, frankly, but in a friendly spirit, bring some of these

considerations before the minister of foreign affairs in your conversations with him.

At present, it is understood that the whole of Peru, west of the main chain of the Andes, is in the occupation of Chili, and that the care and expense of maintaining government, of preserving society, and of enforcing order, is thrown upon the armed hostile occupiers. The representatives of Chili are at pains to show us that not only has all pretense of a military opposition disappeared, but that all governmental organization is dissolved, and that the Chilian bayonet is all that saves Peru from anarchy.

Admitting this to be so, one of four things must follow:

First. That the armed occupation is to be permanent; or

Second. That the invader is to be driven out by force; or

Third. That Chili will withdraw, retaining so much of Peru as it desires and leaving the rest to its fate; or

Fourth. That an honorable peace will be made, leaving to Peru a government and a name.

Chili can hardly desire the first of these alternatives, with the questions that are sure to follow between it and the creditors of Peru.

To the second, it will undoubtedly answer that it can never take place; but it will be well to recall events that have taken place in the history of these two powers which tend to show that even the apparently impossible does occur.

The third alternative seems to be impracticable. If it were practicable, Chili could not justify herself before the world; and in any event should it eventuate in the occupation and absorption, without the assent of Peru, of territory whose productions are pledged to creditors of that power, this could not be done without raising grave questions in the future of Chili which the United States, as a friend of that energetic and industrious people, would wish to avoid.

The fourth alternative is, in the opinion of the President, the wisest and safest course. He is anxious, for many palpable reasons, that it should be brought about through the peaceful influences which the Constitution intrusts to the Executive.

The traditional attitude of the United States toward the sister republics of this continent is one of peace and friendly counsel.

When as colonies they threw off their political connection with Europe, we encouraged them by our sympathies. By the moral weight of our official declarations we prevented intervention either to restore old political connections with Europe, or to create new

ones. The policy we then adopted has been since maintained. While we would draw them nearer to us by bonds of mutual interest and friendly feeling, our sole political connection springs from the desire that they should be prosperous and happy under the republican form of government which they and we have chosen. We aim to be regarded as a disinterested friend and counselor, but we do not assume to impose our wishes upon them, or to act as arbitrator or umpire in their disputes, unless moved to it by the wish of both parties, or by controlling interests of our own.

Restraining our action within this sphere, the President desires you to continue to urge upon Chili, both by the arguments suggested in this instruction and by such other pertinent arguments not inconsistent therewith as may occur to you from your knowledge of the subject, the wisdom and justice of making peace without the acquisition of Tarapacá, unless the province should eventually become Chilian through the inability of Peru to pay a reasonable war indemnity to be agreed on.

The President does not presume to indicate what that indemnity should be; but he leaves a discretion with you to assent to the tender of the good offices of the United States to Peru on the basis of a very liberal indemnity to Chili, if Peruvian territory is spared. If Chili insists on retaining any of the territory whose products are or may be claimed by creditors of Peru as mortgaged or hypothecated, or in any other way made the basis of a loan, the President is not willing to involve the United States in the complications which might ensue. He prefers to reserve to this government the full right to determine what its action shall be, should such complications hereafter arise.

I am, sir, your obedient servant,

FRED'K T. FRELINGHUYSEN.

No. 41

Balmaceda-Trescot protocol, February 11, 1882, dealing with the peace conditions. (Foreign Relations, 1882, p. 83.)

PROTOCOL

At several conferences held in the department of foreign relations at Santiago, on the 16th, 19th, and 20th days of January of the present year, 1882, Mr. William Henry Trescot, special envoy extraordinary and minister plenipotentiary of the United States of America, and Sr. José Manuel Balmaceda, minister of foreign relations of the Republic of Chili, discussed in a frank and confidential manner the relations of the United States with Chili and Peru, and of the two last-named nations with one another, exchanging their views in terms reciprocally friendly, and mutually agreed to draw up in this single protocol the conclusions which they reached in the aforesaid conference.

First. Mr. Trescot having stated that the United States recognized the government of Garcia Calderon on account of friendship towards the contestants and in the interest of peace, and that the government of his country, being the only one which has recognized the aforesaid government by accrediting a representative near to it, might suppose that the arrest of Garcia Calderon was an act of offense to the United States; and Sr. Balmaceda having said that Chili abolished the authority of Garcia Calderon within the radius occupied by her forces, and arrested him with no purpose of offense to the United States or any other neutral power, and making use of her legitimate belligerent rights, there was no necessity for further discussion of this incident.

Second. The armed intervention of the United States in the war which Chili is carrying on with Peru would not be a diplomatic proceeding of the nature of that which is to-day exercised by Mr. Trescot, nor in consequence would it correspond to the friendly spirit of his mission; and mediation does not conform to the convenience of the belligerents, nor is it solicited by Chili. The United States eliminates from all discussion the possibility of armed intervention, and would offer mediation only in case that the belligerents showed a desire to obtain it, and when its acceptance would lead to results satisfactory to both belligerents.

Third. The incident of the arrest of Garcia Calderon, the armed

intervention and the mediation of the United States, being points eliminated from all discussion and definitely concluded, Chili declares that, as a mark of mutual friendship and confidence, she would accept, if they should be offered, the good offices of the United States in the contest with Peru, provided that the United States, in the exercise of its good offices, accepts the conditions of peace which Chili would be disposed to concede to the enemy; and with the understanding that, if the United States should not obtain the consent of Peru to the conditions of peace, which serve as the basis of its good offices, in that case the action of the United States between the two belligerents should terminate.

Fourth. If the good offices of the United States shall be offered and accepted in the manner heretofore set forth, Chili would give, through her civil and military authorities, every possible facility to Mr. Trescot for communicating with any Peruvian authority or persons to whom he may judge fit to offer his good offices, with the exception of Garcia Calderon, who is a prisoner of war.

Fifth. The bases in conformity to which Chili will make peace, reserving to herself every right and entire liberty of action, if they should not be accepted by Peru, are as follows:

1st. Cession to Chile of all the territory of Peru situated to the south of the Quebrada de Camarones.

2d. Occupation of the region of Tacna and Arica for ten years, Peru being obliged to pay twenty millions of pesos at the expiration of that time. If at the expiration of that time Peru should not pay to Chili the twenty millions of pesos, the territory of Tacna and Arica should remain, *ipso facto*, ceded to and incorporated in the territories of the Republic of Chili. Peru may fix in the treaty of peace a time longer than ten years, in conformity with the conditions just before stated. If Arica returns to the power of Peru, it shall remain forever unfortified.

3d. Chili shall occupy the islands of Lobos, so long as there shall be guano upon them, and both the net product of the guano taken from them and that from the mines discovered and being worked in Tarapacá shall be equally divided between Chile and the creditors of Peru.

Finally, Mr. Trescot deemed it necessary to telegraph to his government, and await a reply, in order to state whether he can offer to Chili the good offices of the United States in the manner and conditions herein stated.

In testimony of which the special envoy extraordinary and minister plenipotentiary of the United States of America, and the

minister of foreign relations of Chili, have signed and sealed the present protocol, in duplicate, and in the Spanish and English languages, in Viña del Mar, the eleventh day of the month of February, in the year one thousand eight hundred and eighty-two.

WILLIAM HENRY TRESCOT.

J. M. BALMACEDA.

No. 42

Mr. Trescot's note to Minister Balmaceda, February 14, 1882,
dealing with the peace conditions. (Foreign Relations, 1882,
p. 84.)

SPECIAL MISSION OF THE UNITED STATES IN SOUTH AMERICA,
Viña del Mar, Chili, February 14, 1882.

SIR: It having been understood between us, as noted in the protocol of the conferences, that I should transmit to the Government of the United States the conditions of peace which the Government of Chili was willing to offer to Peru, through the good offices of the United States, in order to make known to you, if the United States would tender their good offices to the belligerents upon such conditions, I have the honor to inform you that I have made the communication to my government, and am instructed to reply. The Government of the United States, while desirous to offer its impartial co-operation and its friendly aid in such negotiations as may lead to a peace satisfactory to both belligerents, cannot tender its good offices upon the conditions proposed. I am further instructed to inquire whether the Government of Chili is prepared to make any modification of these terms; and, if so, what they are.

Awaiting the honor of a reply, and with the assurances of my highest consideration,

I am, &c.,

WM. HENRY TRESCOT.

No. 43

Note from Minister Balmaceda to Mr. Trescot in reply to the preceding communication, February 24, 1882. (Foreign Relations, 1882, p. 84.)

REPUBLIC OF CHILI,
MINISTRY OF FOREIGN AFFAIRS,
Viña del Mar, February 24, 1882.

SIR: I have the honor to acknowledge the receipt of your excellency's note dated the 14th of this month, in which you are pleased to communicate to me that, in compliance with the agreement in the conference as testified by the protocol of the 11th instant, you have addressed a communication to your government; that your excellency is instructed and authorized to answer in its name; that you were desirous to offer its impartial co-operation and its friendly aid in the negotiations of peace with Peru; that it cannot tender its good offices upon the conditions proposed, and that you are instructed to inquire whether the government of Chili will modify them, and in what terms.

In the protocol of February 11th instant, the basis was laid down in accordance to which my government would accept the good offices if, for the purpose of procuring peace on the conditions proposed, they were expontaneously offered to it. That I am now instructed that the Government of the United States does not offer its good offices, which is an answer to my government, to the question that was left pending in said protocol.

And finally I have the honor to say to you, in the name of his excellency the President of the Republic, that we maintain the conditions of peace set forth in the document already cited, because they are demanded by absolute rigorous necessity on account of expenses, and the damages caused by the war, the security of the Republic, and its future stability.

The Government of Chili has ever had confidence in the neutrality and good friendship of the Government of the United States. This friendship and confidence is strengthened without doubt by the declarations contained in the protocol of February 11, and also by those contained in the note which I have the honor to reply to, in which, besides saying that your government will not offer its good offices, you express the desire to tender its

impartial co-operation and its friendly aid in the negotiations that may lead the belligerents to the termination of the struggle.

With sentiments of the highest consideration, I have the honor to subscribe myself, your excellency's obedient servant,

JOSE M. BALMACEDA.

No. 44

Note from Mr. Logan to Minister Aldunate, October 18, 1882.
(Foreign Relations, 1882, p. 77.)

LEGATION OF THE UNITED STATES,
Santiago, October 18, 1882.

SIR: I have the honor to acknowledge the receipt of your excellency's esteemed note of yesterday, requesting me to furnish you a brief statement of the various attempts to agree upon a basis of terms for a treaty of peace between Chili and Peru.

In reply I beg leave to assure you of the pleasure it will afford me to give you a short history of the negotiations referred to.

At the interview held with your excellency after the interchange of notes under date of September 9 ultimo, I stated to you, that as my Government could not feel that the terms of the protocol of Viña del Mar were such as it could recommend Peru to accept, I was anxious that some substantial modification of those terms might be made, in order that my Government could be able to use its good offices in bringing about a peace between its friends. After further consultation, you said that the demands of Chili would be reduced practically to three conditions: first, the cession of Tarapacá; second, the right to purchase the district of Tacna and Arica for a nominal sum of money; and, third, the right to control the sale of guano advertised for the 18th of October. You further said that these conditions were absolute and final.

I then had a conference with Señor Calderon, to ascertain what his views would be upon these conditions. This gentleman said that without some authoritative expression from his people he did not feel at liberty to agree to any peace upon the basis of a cession of territory. He desired a truce of three years, during which time the opinions of the Peruvians might be unified and a line of action clearly defined. I presented this request for a truce to your excellency, who immediately declined to entertain the proposition. I then requested permission to allow Señor Calderon to go to Peru for a short time, in order to consult his people upon making a peace upon the terms proposed by your excellency. It was not deemed expedient to grant this request. I then asked that he be permitted to go to Angol, where a number of prominent Peruvians were domiciled, and offered to accompany him in person. This

permission was granted, and our voyage to that place was facilitated by your excellency.

At Angol we had long consultations with Señor Calderon's friends, and a conclusion was arrived at which rendered me entirely confident that Señor Calderon would be able to comply with the requirements of your excellency's Government.

Soon after our return to Santiago, my understanding is, that Señor Calderon received advices directly from his people in Peru, which seemed positively to prohibit his making an agreement to sell the territory of Tacna and Arica, though he felt fully authorized to consent to the cession of Tarapacá. In consequence of these advices Señor Calderon has steadily refused since that time to consent to a direct sale of the territory alluded to.

This decided opposition of the parties has given rise to the various efforts at a compromise. These efforts have been made upon the basis of several proposals, mostly originated by myself, and may briefly be enumerated as follows:

First. In order to remove the difficulty regarding the sale of Tacna and Arica, I proposed a treaty on the basis of ceding Tarapacá, with a separate article presenting the question of Tacna and Arica, to the Peruvian Congress for its own decision, without any recommendation from Señor Calderon. This proposal was declined, both by your excellency and Señor Calderon.

Second. I proposed to make the river Azufre the boundary line, giving Arica to Chili and Tacna to Peru. This proposal was not accepted by either party.

Third. This suggestion came from your excellency's Government, and was made into a formal proposal by myself. Owing to a mistake of my own, as to one of the conditions, the proposition was first made to Señor Calderon as follows: Chili to have military occupation of Tacna and Arica for five years, at the end of which time a vote to be taken by the people of the territory to determine whether they would attach it to Chili or to Peru. If the vote took the territory to Chili, the latter was to pay Peru \$10,000,000 in compensation. Chili was to pay Peru \$3,000,000 as a loan, upon the ratification of the treaty, and if Chili afterwards obtained the territory by a vote of the people thereof, this amount was to be deducted, leaving Chili seven millions still to pay. If the territory went to Peru, the latter was to repay the three millions with 6 per cent interest, and Chili was to retain possession of the territory until the whole amount was paid.

The mistake made by me above referred to, was that your

excellency's Government, while being willing to pay \$10,000,000 for the territory, if voted Chili, also expected to receive \$10,000,000 if voted to Peru.

Señor Calderon, however, refused the proposal in its more favorable form, and it was useless to present it to him in the other form, even if I had felt authorized to commit my own Government to it in that shape.

Fourth. I proposed to Señor Calderon that Chili should have military occupation of Tacna and Arica for ten years, and then evacuate it. He declined this, and it was not presented to your excellency.

Fifth. I proposed to submit the following question to the President of the United States, in the capacity of a friendly arbitrator:

"Shall the Chilian Government as a measure growing out of the necessities and manner of settlement of the war have the right to purchase the Peruvian territory lying between the river Camarones and the river Sama, for the sum of \$9,000,000, with the stipulation that Bolivia shall be given the perpetual right to the free and innocent passage over said territory, with perpetual freedom from export and import duties, upon the conclusion of a satisfactory treaty between the latter Republic and the Republic of Chili?"

Señor Calderon accepted this proposal, but your excellency declined it, chiefly for two reasons; firstly, because to refer such a question at this time to a foreign ruler would be practically to place the results of the war in the hands of a foreign state, which would be an infringement upon the sovereignty of Chili; and secondly, because to admit the possibility of a decision against Chili, would be to yield all claim upon the district in question, a claim which she has constantly made since the conference of Arica.

Sixth. I then proposed to Señor Calderon that Tacna and Arica should be ceded to Bolivia. This proposal he declined, and it was not presented, therefore, to your excellency.

Seventh. I then proposed that the following question be submitted, *not* to the head of a foreign Government, but to a diplomatic representative friendly to both parties, who should simply be regarded in the light of an impartial referee:

"Shall Chili have the right to purchase the territory embracing Tacna and Arica for \$9,000,000, or shall she have military occupation of the said territory for a period of fifteen years, being obliged to evacuate it at the expiration of that period?"

As this proposition removed your excellency's objection to a foreign ruler, and also secures either the purchase of the territory or its occupation for fifteen years, your excellency consented to accept it, in substance, as the basis of a negotiation. Señor Calderon also consented to it, and I rejoiced in the belief that we were to have peace at last.

When we came to the arrangement of details of procedure, Señor Calderon made certain stipulation to the effect, first, that a clause should be inserted in the treaty, that Chili should pay all of the legitimate debts of Tarapacá, and "make arrangements conducing to a compliance with the contracts of the Peruvian creditors"; secondly, he proposed making a protocol with the American minister at Santiago, setting forth the terms of the agreement, after which he was to be put in liberty and proceed to Arequipa; he was then to assume direction of his Government, and nominate a plenipotentiary in Lima, to sign with the Chilian representative a truce for six months; thirdly, after the signing of the truce, an election was to be held in Peru for members to a new Congress, to deliberate upon the proposed terms of peace, which, if ratified by the Congress, were to be embodied in a formal treaty to be signed by authorized plenipotentiaries on both sides, at Lima; fourthly, in case of non-ratification by the Congress, notice thereof to be given to Chili, who might resume hostilities thirty days after receiving it.

In defense of these stipulations, Señor Calderon urged that Arequipa was the capital of Peru, and that he would have to observe the form of again assuming direction of the Government; that to hold the Congress in Lima would be to place it under the military control of a foreign power, and that he himself would be as much a prisoner in Lima as in Santiago. In order to act freely they must be all outside the Chilian lines. He also claimed that six months was a very short time in which to hold an election, &c.

Your excellency declined all these stipulations. First. You said that there was no need to make any stipulation in the treaty concerning the Peruvian debt, as the responsibility of your Government was fixed by law and by the guano decree of February last, under which \$240,000,000 of that indebtedness had been arranged for with the bondholders. Second. That instead of going to Arequipa, Señor Calderon must proceed to Lima, sign a preliminary treaty, convoke the Magdalena legislature, and in forty-five days confirm or reject the treaty. Your excellency

proposed withdrawing the Chilian troops temporarily to Callao in order to leave Lima free to the legislature. Third. Your excellency declined a truce of six months, as it would lose to Chili the advantage of her present situation and expose her troops to the attacks of guerrillas, who would not respect any truce.

In the discussion which followed neither your excellency nor Señor Calderon felt disposed to recede from the position taken, and the promised peace failed.

I believe I have given the substantial facts of the case in the foregoing statement, though if I have made any error I shall be glad to have your excellency correct it.

I embrace, &c.,

C. A. LOGAN.

No. 45

Treaty of Ancon

The Republic of Chile on the one part and the Republic of Peru on the other, being desirous of reinstating relations of friendship between both countries, have resolved upon celebrating a treaty of peace and friendship, and for the purpose have named and deputed as their Plenipotentiaries the following: His Excellency the President of the Republic of Chile appoints Don Jovino Novoa, and his Excellency the President of the Republic of Peru, Don José Antonio Lavalle, minister of foreign relations, and Don Mariano Castro Zaldivar, who, after communicating their credentials and having found them to be in proper and due form, have agreed to the following articles:

ARTICLE 1. The relations of peace and friendship between the Republics of Chile and Peru to be reestablished.

ART. 2. The Republic of Peru cedes to the Republic of Chile in perpetuity and unconditionally the territory of the littoral province of Tarapacá, the boundaries of which are, on the north the ravine and River Camarones, on the south the ravine and River Loa, on the east the Republic of Bolivia, and on the west the Pacific Ocean.

ART. 3. The territory of the provinces of Tacna and Arica, bounded on the north by the River Sama from its source in the Cordilleras on the frontier of Bolivia to its mouth at the sea, on the south by the ravine and River Camarones, on the east by the Republic of Bolivia, and on the west by the Pacific Ocean, shall continue in the possession of Chile subject to Chilean laws and authority during a period of ten years, to be reckoned from the date of the ratification of the present treaty of peace.

After the expiration of that term a plebiscite will decide by popular vote whether the territory of the above-mentioned provinces is to remain definitely under the dominion and sovereignty of Chile or is to continue to constitute a part of Peru. That country of the two, to which the provinces of Tacna and Arica remain annexed shall pay to the other ten million pesos of Chilean silver or of Peruvian soles of equal weight and fineness.

A special protocol, which shall be considered an integral part of the present treaty, will prescribe the manner in which the plebiscite is to be carried out, and the terms and time for

the payment of the ten millions by the nation which remains the owner of the provinces of Tacna and Arica.

ART. 4. In compliance with the stipulations of the supreme decree of February 9, 1882, by which the Government of Chile ordered the sale of one million tons of guano, the net proceeds of which, after deducting the expenses and other disbursements, as referred to in Article 13 of said decree, to be divided in equal parts between the Government of Chile and those creditors of Peru whose claims appear to be guaranteed by lien on the guano. After the sale of the million tons of guano has been effected, referred to in the previous paragraph, the Government of Chile will continue paying over to the Peruvian creditors 50 per cent of the net proceeds of guano, as stipulated in the above-mentioned Article 13, until the extinction of the debt or the exhaustion of the deposits now being worked.

The proceeds of deposits or beds that may be hereafter discovered in the territories that have been ceded will belong exclusively to Chile.

ART. 5. If, in the territories that remain in possession of Peru, there should be discovered deposits or beds of guano, in order to avoid competition in the sale of the article by the Governments of Chile and Peru, the two Governments, by mutual agreement, will first determine the proportion and conditions to which each of them binds itself in the disposal of the said fertilizer.

The stipulations in the preceding paragraph will also be binding in regard to the existing guano now known and which may remain over in the Lobos Islands when the time comes for delivering up these islands to the Government of Peru, in conformity with the terms of the ninth Article of the present treaty.

ART. 6. The Peruvian creditors, to whom may be awarded the proceeds stipulated in Article 4, must submit themselves, in proving their titles and in other procedures, to the regulations stated in the supreme decree of February 9, 1882.

ART. 7. The obligation which the Government of Chile accepts, in accordance with the fourth Article, to deliver over 50 per cent of the net proceeds of guano from the deposits now actually being worked, will be carried out whether the work be done by virtue of the existing contract for the sale of one million tons or through any other contract, or on account of the Government of Chile.

ART. 8. Beyond the stipulations contained in the preceding articles, and the obligations that the Chilean Government has voluntarily accepted in the supreme decree of March 28, 1882, which relates to the saltpetre works in Tarapacá, the said Govern-

ment of Chile will recognize no debts, whatever their nature or source, that will affect the new territories acquired by virtue of this treaty.

ART. 9. The Lobos Islands will remain under the administration of the Government of Chile until the completion of the excavation from existing deposits of the million tons of guano, in conformity with Articles 4 and 7. After this they will be returned to Peru.

ART. 10. The Government of Chile declares that it will cede to Peru, to commence from the date of the constitutional ratification and exchange of the present treaty, the fifty per centum pertaining to Chile from the proceeds of the guano of the Lobos Islands.

ART. 11. Pending a special treaty to be entered upon, mercantile relations shall be maintained on the same footing as before April 5, 1879.

ART. 12. Indemnities due by Peru to Chileans, who may have suffered damages on account of the war, will be adjudged by a tribunal of arbitration or mixed international commission, to be appointed immediately after the ratification of the present treaty, in the manner established by conventions recently adjusted between Chile and the Governments of England, France and Italy.

ART. 13. The contracting Governments recognize and accept the validity of all administrative and judicial acts during the occupation of Peru arising from the martial jurisdiction exercised by the Government of Chile.

ART. 14. The present treaty to be ratified and the ratifications exchanged in the city of Lima, so soon as possible during a period not exceeding one hundred and sixty days to be reckoned from this date.

In testimony whereof the several Plenipotentiaries have signed this in duplicate and affixed their private seals.

Done in Lima the 20th day of October, in the year of our Lord one thousand eight hundred and eighty-three.

(L. S.) JOVINO NOVOA,

(L. S.) J. A. DE LAVALLE,

(L. S.) MARIANO CASTRO ZALDIVAR.

On the 28th of March, 1884, the treaty having been previously ratified by the Chilean Congress and by the Peruvian National Assembly, the treaty of Ancon was duly exchanged at Lima.

Tratado de Ancón

La república del Perú, de una parte, y, de la otra, la república de Chile, deseando restablecer las relaciones de amistad entre ambos países, han determinado celebrar un tratado de paz y amistad, y al efecto han nombrado y constituido por sus plenipotenciarios, á saber:

S. E. el presidente de la república del Perú á don José Antonio de Lavalle, ministro de relaciones exteriores, y á don Mariano Castro Zaldívar, y S. E. el presidente de la república de Chile, á don Jovino Novoa, quienes, después de haberse comunicado sus plenos poderes y de haberlos hallado en buena y debida forma, han convenido en los artículos siguientes:

ARTICULO 1º. Restablécense las relaciones de paz y amistad entre las repúblicas del Perú y de Chile.

ARTº. 2º. La república del Perú cede á la república de Chile, perpétua é incondicionalmente, el territorio de la provincia litoral de Tarapacá, cuyos límites son: por el norte, la quebrada y río de Camarones; por el sur, la quebrada y río del Loa; por el oriente, la república de Bolivia; y, por el poniente, el mar Pacífico.

ARTº. 3º. El territorio de las provincias de Tacna y Arica, que limita, por el norte, con el río Sama, desde su nacimiento en las cordilleras limítrofes con Bolivia hasta su desembocadura en el mar; por el sur, con la quebrada y río de Camarones; por el oriente, con la república de Bolivia; y, por el poniente, con el mar Pacífico, continuará poseído por Chile y sujeto á la legislación y autoridades chilenas durante el término de diez años contados desde que se ratifique el presente tratado de paz. Expirado este plazo un plebiscito decidirá, en votación popular, si el territorio de las provincias referidas queda definitivamente del dominio y soberanía de Chile, ó si continúa siendo parte del territorio peruano. Aquel de los dos países á cuyo favor queden anexadas las provincias de Tacna y Arica, pagará al otro diez millones de pesos moneda chilena de plata, ó soles peruanos de igual ley y peso que aquella.

Un protocolo especial, que se considerará como parte integrante del presente tratado, establecerá la forma en que el plebiscito deba tener lugar y los términos y plazos en que hayan de pagarse los diez millones por el país que quede dueño de las provincias de Tacna y Arica.

ARTº. 4º. En conformidad á lo dispuesto en el supremo decreto de 9 de febrero de 1882, por el cual el gobierno de Chile ordenó la venta de un millón de toneladas de guano, el producto líquido de

esta sustancia, deducidos los gastos y demás desembolsos á que se refiere el artículo 13 de dicho decreto, se distribuirá, por partes iguales, entre el gobierno de Chile y los acreedores del Perú, cuyos títulos de crédito aparecieren sustentados con la garantía del guano.

Terminada la venta del millón de toneladas á que se refiere el inciso anterior, el gobierno de Chile continuará entregando á los acreedores peruanos el cincuenta por ciento del producto líquido del guano, tal como se establece en el mencionado artículo 13, hasta que se extinga la deuda ó se agoten las covaderas en actual explotación.

Los productos de las covaderas ó yacimientos que se descubran en lo futuro, en los territorios cedidos, pertenecerán exclusivamente al gobierno de Chile.

ART°. 5°. Si se descubrieren, en los territorios que quedan del dominio del Perú, covaderas ó yacimientos de guano, á fin de evitar que los gobiernos de Chile y del Perú se hagan competencia en la venta de esa sustancia, se determinará previamente por ambos gobiernos, de común acuerdo, la proporción y condiciones á que cada uno de ellos deba sujetarse en la enajenación de dicho abono.

Lo estipulado en el inciso precedente regirá, asimismo, con las existencias de guano ya descubiertas que pudieran quedar en las islas de *Lobos*, cuando llegue el evento de entregarse esas islas al gobierno del Perú, en conformidad á lo establecido en la cláusula novena del presente tratado.

ART°. 6°. Los acreedores peruanos, á quienes se concede el beneficio á que se refiere el artículo 4°, deberán someterse para la calificación de sus títulos y demás procedimientos á las reglas fijadas en el supremo decreto de 9 de febrero de 1882.

ART°. 7°. La obligación que el gobierno de Chile acepta, según el artículo 4.°, de entregar el cincuenta por ciento del producto líquido del guano de las covaderas en actual explotación, subsistirá, sea que esta explotación se hiciere en conformidad al contrato existente sobre venta de un millón de toneladas, sea que ella se verifique en virtud de otro contrato ó por cuenta propia del gobierno de Chile.

ART°. 8°. Fuera de las declaraciones consignadas en los artículos precedentes, y de las obligaciones que el gobierno de Chile tiene espontáneamente aceptadas en el supremo decreto de 28 de marzo de 1882, que reglamentó la propiedad salitrera de Tarapacá, el expresado gobierno de Chile no reconoce créditos de ninguna clase

que afecten á los nuevos territorios que adquiere por el presente tratado, cualquiera que sea su naturaleza y procedencia.

ARTº. 9º. Las islas de Lobos continuarán administradas por el gobierno de Chile, hasta que se dé término, en las covaderas existentes, á la explotación de un millón de toneladas de guano, en conformidad á lo estipulado en los artículos 4.º y 7.º. Llegado este caso, se devolverán al Perú.

ARTº. 10º. El gobierno de Chile declara que cederá al Perú, desde el día en que el presente tratado sea ratificado y canjeado constitucionalmente, el cincuenta por ciento que le corresponde en el producto del guano de las islas de Lobos.

ARTº. 11º. Mientras no se ajuste un tratado especial, las relaciones mercantiles entre ambos países subsistirán en el mismo estado en que se encontraban antes del 5 de abril de 1879.

ARTº. 12º. Las indemnizaciones que se deban por el Perú á los chilenos que hayan sufrido perjuicios con motivo de la guerra, se juzgarán por un tribunal arbitral ó comisión mixta internacional, nombrada inmediatamente después de ratificado el presente tratado, en la forma establecida por convenciones recientes ajustadas entre Chile y los gobiernos de Inglaterra, Francia é Italia.

ARTº. 13º. Los gobiernos contratantes reconocen y aceptan la validez de todos los actos administrativos y judiciales pasados durante la ocupación del Perú, derivados de la jurisdicción marcial ejercida por el gobierno de Chile.

ARTº. 14º. El presente tratado será ratificado y las ratificaciones canjeadas en la ciudad de Lima, cuanto antes sea posible, dentro de un término máximo de ciento sesenta días, contados desde esta fecha.

En fe de lo cual, los respectivos plenipotenciarios lo han firmado por duplicado y sellado con sus sellos particulares.

Hecho en Lima, a veinte de octubre del año de Nuestro Señor mil ochocientos ochentitrés.

(L. S.) J. A. DE LAVALLE.

(L. S.) MARIANO CASTRO ZALDIVAR.

(L. S.) JOVINO NOVOA.

Habiendo sido previamente ratificado por el Congreso chileno y por la Asamblea Nacional Peruana, el Tratado de Ancón fué canjeado en Lima, el 28 de marzo de 1884.

Report made to the Chilean Congress by the Minister of Foreign Affairs, Sr. Luis Aldunate, on the signing of the treaty of peace with Peru. (Report of the Ministry of Foreign Affairs of Chile, 1883, pp. 83 to 91, roman figures.)

Page LXXXIII.]

Another of the fundamental differences between the treaty under discussion and the bases or plans for an agreement which had preceded it, is the method selected to secure the payment of the complementary indemnity of 20 million pesos, which would be guaranteed by the retention of the territories of Tacna and Arica.

Both in the bases proposed during the conferences on board the corvette "Lackawanna" in the bay of Arica, on the 22nd of October, 1880, and in those which were agreed upon in the protocol of the 11th of February, 1882, signed in Viña del Mar, we demanded from Peru, in addition to the absolute and permanent surrender of the seaboard province of Tarapacá, the payment of a sum of 20 million pesos, to be settled within a stated time, Chile retaining meanwhile, as security for the fulfilment of the payment, the territories of Tacna and Arica.

It may be said, with absolute sincerity, that this condition exacted by Chile has been one of the causes which, more than any other, has delayed the conclusion of peace.

We have seen, from the first moment, how inflexibly opposed was the so-called Provisional President of Peru—during the negotiations undertaken in September, 1882, through the mediation of the Government of the United States of America—to the acceptance of any suggestions which involved the cession or sale to or the retention by Chile of the territories of Tacna and Arica, a reluctance which was doubtless due to the direct and peremptory instructions sent by the leaders in Arequipa, who were inspired, very possibly, by counsels and encouragement from outside the country, to remain obdurate upon this special point of our peace conditions.

It was, indeed, very easy to note that the idea of the cession of Tarapacá—opposed even after the battles of Chorrillos and Miraflores by the ex-Dictator Piérola as well as by the Government of La Magdalena itself, which had been brought into existence

with the one and only purpose of using it (the cession) as a basis for a treaty with Chile—nevertheless made smooth and rapid progress even among its most irreconcilable opponents from the moment when it became evident to the several Peruvian leaders that any attempt to compel Chile, through the pressure of either moral or material foreign suasion, to accept in lieu thereof a monetary indemnity assessed according to outside interpretation, would inevitably fail.

But even if the cession of Tarapacá had, relatively long since, ceased to be an obstacle for declaring peace, although remaining the most tangible and painful of the sacrifices which the war imposed on Peru, the same could not be said with regard to the very subordinate and secondary proposal to cede or sell to, or agree to the retention by, Chile of the territories of Tacna and Arica.

Yet it will be readily understood that the same political, economical or strategic reasons which moved Peru to oppose the inclusion of this clause in the intended peace treaty, operated with just as much, if not still more, force as far as we were concerned, in compelling our insistence thereon. The dominion or the transitory possession of those territories for a relatively protracted period would constitute, for Chile, a safeguard as to future freedom from disturbance and the most effective pledge to guarantee and consolidate a lasting and permanent peace with our adversaries of the Pacific. While not desiring to dwell unduly on this point which is the key to grave and complex problems and which, for the moment, may be left out of consideration, we purpose, for the present, merely to leave these facts on record for Congress and the country to properly appraise and make use of in good time.

It was, however, absolutely necessary that the resistance of our adversaries should yield to the pressure of events when confronted by the evidence, more apparent every day, of our determination on that point. The more advanced and public-spirited statesmen in Peru reached the conclusion that Chile would not compromise with regard to that unavoidable clause of the peace treaty, *since it amounted, in fact, to the only guarantee of the validity and very life of the document.* Convinced of this fact, the Assembly of Cajamarca patriotically proclaimed the necessity for ending the war, accepting, of course, the inevitable sacrifices which events had imposed on the Peruvian nation and which the high-minded and generous policy of the conqueror had, nevertheless, not found means to reduce, since these were demanded

by the necessity for removing all cause for another and grievous future war.

This well-inspired decision of our adversaries overcame the remaining opposition which prevented peace. But in this, as in all other problems of a complicated and delicate nature, difficulties arise to confront even the most steadfast and stubborn determination to overcome them. What form would the stipulation, referring to the territories of Tacna and Arica, assume so as to satisfy the minimum justly demanded by Chile?

With regard to this, the formula selected during the Arica conferences and in the Protocol of Viña del Mar, which was to the effect that Chile would retain possession of these territories until an indemnity of 20 million pesos should have been paid by Peru, had been negatived (*desautorizada*) by the worthy and important American chancery.

Public statements, both in Chile and in Peru, were made on this subject in the name of the Department of State of Washington by its Extraordinary and Special Representative, Mr. Trescot. This diplomatist had declared that it was illogical to exact a double indemnity, both in territory and in money; and that since Chile insisted on territorial annexations, alleging the inability of Peru to compensate her in any other manner for the sacrifices which the war had caused her, we should demand to have the whole of our indemnity expressed in terms of territorial annexations, foregoing all other demands or exactions. As was only natural, these arguments found a ready response among the public men of Peru and as we, on our side, were eager to remove every obstacle from the path which led to peace, we were obliged to accept them likewise, changing the trend and recasting the form of this prerequisite to an agreement which we so eagerly and sincerely desired.

We proposed, therefore, without loss of time, to substitute the indemnity demanded, guaranteed by Tacna and Arica, for an absolute and immediate purchase of the region by Chile.

The Government did not, at any moment, stop to consider whether this arrangement would be in a greater or lesser degree burdensome to the interests of the nation. Deliberately putting on one side considerations of this nature, we believed that obligations of a higher order, which involved the peace of three American Republics, counselled us to disregard sacrifices provided they jeopardized neither the honor nor the future of the nation. The Government also believed that by adopting this solution of the

difficulty, there was a double and very real advantage for Peru, which, on the one hand, would receive a considerable amount of money which would be available at a most opportune moment to be devoted to the heavy task of reconstruction; and on the other would avoid wounding the country's pride, and save it from the mortification which would otherwise be occasioned by a perpetual annexation or a temporary, but enforced, subjection of the territories to the authority of Chile.

Unfortunately our suggestions, prompted by the abiding and reciprocal interests of both countries, were not accepted by Peru. As in the negotiation held in 1882 with the nominal head of the dominant political party in Arequipa, so in those which have just been concluded with the Government of General Iglesias, the thought of the sale of the aforementioned territories encountered an equal and invincible resistance. The important purpose, the clear intention impossible of misinterpretation, proper in a stipulation of this kind, the onerous character of the Treaty, its obligations equally binding on both parties, (bilateral) and reciprocally advantageous to the participants; the precedents and examples of nations which had had recourse to such expedients to mutually safeguard their dignity and their interests when confronted by the same difficulties; none of these considerations could alter the irrevocable determination of the various Peruvian negotiators with whom this alternative has been analyzed and discussed in all its bearings. Our repeated efforts in this direction were invariably wrecked upon the mistaken impression that an immediate and absolute sale, however beneficial it might really prove for Peruvian interests, would, in the end, appear to be a disguised form of annexation and above all, as an unjustified and unacceptable divergence (avance) from the various peace terms proposed by Chile from the time of the Arica Conferences to that of the Protocol of Viña del Mar.

To obviate this series of difficulties, which more than once seemed insuperable, recourse was had to the idea of submitting the solution of the problem to the will of the inhabitants of the regions in dispute, the stipulation upon the subject, contained in the Treaty of the 20th of October, being thereupon adopted. Chile shall retain possession for the period of ten years of the territories which lie between the Camarones Gap (quebrada) and the river Sama, subjecting them, of course, to the rule (imperio) of its constitutional and legal government, and upon the completion of this term a plebiscite shall determine to which of the

two nations they shall definitely belong. The country which eventually acquires the region in dispute shall pay to the other 10 million pesos.

It will certainly not escape the enlightened attention of Congress nor could it fail to strike even the most superficial examination, that the method selected to solve the difficulty has the disadvantage of keeping in suspense, for a relatively long period, the settlement of the nationality or final sovereignty of the territorial region in question.

The foregoing notwithstanding, a careful study of the clause of the treaty which is under consideration will bring the conviction that the disadvantage to which, in advance, we call attention, is more of a technical than of a practical order, at least as far as concerns the interests of Chile.

And indeed, it could not be said that the undefined status of Tacna and Arica during ten years would be injurious for Chile, since these territories are to be organized and brought under the authority of our national institutions and made amenable to our constitutional and legal systems. It might be that this same transitory condition, brought about in the region under consideration by the treaty of the 20th of October, will, under apparently unfavorable circumstances, secure the gradual, undisturbed and voluntary fusion of all the various elements which, at the present time, might have been able to disturb our peaceful authority over those territories. Therefore, if the result of the plebiscite should be favorable to us, if the development of public interests during ten years, favored by our laws, our industry and our investments and expansion due to the protecting influence of peace and labor and secured through our vigorous political organization; if all these factors, I repeat, should incline the inhabitants of the region of Tacna and Arica to adopt Chilean nationality, on this hypothesis, which must be taken as perhaps the most probable, the assimilation of our new citizens will have been already accomplished, under no compulsion and undisturbed, requiring nothing further than a slight alteration in the geographical map of Chile. Yet more, on the same hypothesis, Chile would reap the advantage of receiving, from the natural revenue of the region in question, an equal if not greater amount than that which she would have to pay as the price for this additional territory.

But if these expectations, which are only mentioned as probabilities, should not be realized; if the plebiscite should give back the territorial region of Tacna and Arica once more to Peru, it

would behoove Chile's loyal and honorable policy to respect the verdict of those peoples, confining herself to the receipt of the pecuniary compensation of ten million pesos which, added to the revenue which we would already have obtained through our occupation of those territories in ten years, would exceed, without a doubt, the amount we had demanded in this same connection in the conditions proposed in 1880 and 1882.

Nº 46

Exposición hecha al Congreso de Chile por el Ministro de Relaciones Exteriores, Sr. Luis Aldunate, sobre la celebración del Tratado de Paz con el Perú. (Memoria de Relaciones Exteriores de Chile, 1883, págs. 83 a 91, números romanos.)

Otro de los puntos capitales de diferencia entre el pacto que analizamos i las bases o proyectos de arreglo que lo habian precedido, consiste en la forma escojitada para atender al pago de la indemnizacion complementaria de veinte millones de pesos, que seria garantida con la retencion de los territorios de Tacna i Arica.

Tanto en las bases propuestas en la conferencia celebrada a bordo de la corbeta *Lackawana*, surta en la rada de Arica, el 22 de octubre de 1880, como en las que se establecieron en el Protocolo de 11 de febrero de 1882, suscrito en Viña del Mar, pedíamos al Perú, ademas de la cesion absoluta i permanente de la provincia litoral de Tarapacá, el pago de una suma de veinte millones de pesos que deberia ser cubierta en un plazo dado, reteniéndose, entretanto, por Chile, en garantía del efectivo pago, los territorios de Tacna i Arica.

Puede decirse con perfecta exactitud que ha sido esta condicion exigida por Chile, una de las causas que mas ha retardado el ajuste de la paz.

Se ha visto de antemano hasta qué punto fué inflexible la resistencia opuesta por el titulado Presidente provisorio del Perú, en las negociaciones iniciadas en setiembre de 1882, con la mediacion del Gobierno de los Estados Unidos de América, para aceptar cualquiera idea que se relacionase con la cesion, venta o retencion por parte de Chile, de los territorios de Tacna i Arica. I esa resistencia obedecia, sin duda alguna, a órdenes directas i categóricas de los caudillos de Arequipa, que acaso encontraban inspiracion i estímulo mas allá de sus fronteras, para mantener su intransijencia sobre este punto preciso de nuestras condiciones de paz.

Fué, en efecto, mui fácil de notar que la idea de la cesion de Tarapacá, resistida aun despues de los combates de Chorrillos i Miraflores, tanto por el ex-Dictador Piérola como por el Gobierno mismo de la Magdalena, que se habia formado con el propósito único de hacerla servir de base a un tratado con Chile llegó, sin embargo, a hacer un camino fácil i rápido en los espíritus mas recalcitrantes, desde el momento mismo en que los diversos caudillos peruanos pudieron penetrarse del fracaso inevitable de toda tentativa para compeler a Chile, por medio de la presion moral o material de fuerzas estrañas, a aceptar en su reemplazo una indemnizacion pecuniaria que seria valorizada por ajeno arbitrio.

Pero, si la cesion de Tarapacá habia dejado de ser, desde una época relativamente lejana, un obstáculo para la paz, apesar de que ella importa el mas positivo i sério de los sacrificios que la guerra impone al Perú, no acontecia lo mismo con la idea mucho mas subalterna i secundaria de la cesion, venta o retencion por parte de Chile, de los territorios de Tacna i Arica.

Se comprenderá, sin embargo, que las propias consideraciones políticas, económicas i estratégicas que impulsaban al Perú a resistir la aceptacion de esta cláusula del proyectado pacto de paz, obraban con igual o mayor fuerza todavia para compelerarnos a no abandonarla por nuestra parte. El dominio o la posesion temporal por un período de tiempo relativamente prolongado de aquellos territorios, era para Chile la salvaguardia de su tranquilidad futura i la prenda de mas señalada eficacia para afianzar i consolidar una paz estable i permanente con nuestros adversarios del Pacífico. Sin insistir acerca de este punto, que encierra la clave de graves problemas de un complejo carácter, que deben eliminarse por el momento de nuestro análisis, cumple solo a nuestro propósito apuntar estos hechos que el Congreso i el país apreciarán i utilizarán debidamente.

Era, sin embargo, indispensable que la pertinacia de nuestros adversarios se quebrantase ante la presion de los acontecimientos i ante la justificacion cada dia mas evidenciada de nuestras exigencias a este respecto. Los hombres públicos mas avanzados i de mas levantado espíritu en el Perú, llegaron a penetrarse de que Chile no transijiría acerca de esta cláusula ineludible del pacto de paz, ya que ella importaba en el fondo la única garantía de su propia validez i subsistencia. Imbuida en esta conviccion, la Asamblea de Cajamarca proclamó patrióticamente la necesidad de poner término a la guerra, aceptando, por cierto, los ineludibles

sacrificios que las circunstancias imponian al Perú, i que la política mas magnánima i mas jenerosa del vencedor no habia encontrado el medio de evitar, ya que ellos eran exijidos por la necesidad de remover las causas de un nuevo i doloroso conflicto en el porvenir.

Aquella bien inspirada resolucion de nuestros adversarios, salvó los últimos obstáculos que nos separaban de la paz. Pero en este como en todos los problemas de un carácter complejo i delicado, las dificultades salen al encuentro de la voluntad mas tenaz i mas resuelta a eliminarlas. ¿Qué forma revestiria la estipulacion referente a los territorios de Tacna i Arica para satisfacer el mínimum de las justas exigencias de Chile?

A este propósito, la fórmula escojitada en las conferencias de Arica i en el Protocolo de Viña del Mar, que consistia en que Chile retuviese la posesion de aquellos territorios hasta el pago de una indemnizacion de veinte millones de pesos que debia serle satisfecha por el Perú, habia sido desautorizada por el órgano respetable i prestigioso de la cancillería americana.

Fueron públicas, así en Chile como en el Perú, las declaraciones que hiciera a este respecto i en nombre del Departamento de Estado de Washington, su honorable Representante estraordinario i especial Mr. Trescot. Habia declarado ese diplomático que no era lójico exijir una doble indemnizacion en territorio i en dinero i que puesto que Chile reclamaba anexiones territoriales invocando la imposibilidad en que el Perú se hallaria para compensarle en otra forma los sacrificios que la guerra le impusiera, debíamos reclamar el total de nuestras indemnizaciones en territorios, renunciando a todo otro jénero de exigencias. Como era natural, estas ideas encontraron eco entre los hombres públicos del Perú i por nuestra parte, vivamente deseosos de allanar todo obstáculo en el camino de la paz, hubimos de aceptarlas tambien dando un nuevo rumbo i una nueva forma a esta condicion del arreglo que perseguíamos con tenaz ahinco i sinceridad.

Propusimos en efecto i sin pérdida de tiempo, sustituir la indemnizacion pecuniaria reclamada con la garantía de Tacna i Arica, por la compra directa e inmediata de esa rejion hecha por Chile.

Nunca el Gobierno se detuvo en meditar si esta combinacion era mas o ménos onerosa para los intereses del pais. Apartándonos deliberadamente de este jénero de reflexiones, creimos que un órden superior de intereses, vinculados a la paz de tres repúblicas americanas, nos aconsejaba no reparar en sacrificios siempre

que ellos no comprometiesen el honor o el porvenir del país. Estimaba además el Gobierno que en esta manera de dar solución al conflicto había, una doble i señalada ventaja para el Perú, ya que procurándose, de una parte, una suma considerable de recursos que le llegarían en hora oportuna para aplicarlos a la magna tarea de la reconstitución del país, ahorrraba, de otro lado, a las susceptibilidades del amor propio nacional, las mortificaciones que habría de producirles toda idea de anexión perpetua o de retención temporal i obligatoria de aquellos territorios en poder de Chile.

Por desgracia, nuestras sugestiones, inspiradas en el interés permanente i recíproco de ambos países, no fueron acogidas por el Perú. Así en las negociaciones seguidas en 1882 con el titulado mandatario de la facción política dominante en Arequipa, como en las que hoy acaban de terminarse con el Gobierno del Jeneral Iglesias, la idea de la venta a firme de los territorios referidos, encontró una igual e invencible repulsión. El alcance, el significado único, propio de una estipulación de esta naturaleza, su carácter de pacto oneroso, bilateral i de beneficio recíproco para los otorgantes i el ejemplo, la enseñanza de los pueblos que han recurrido a este arbitrio para salvar con decoro i conveniencia mútua dificultades análogas, no fué parte a doblegar las resistencias inquebrantables de los diversos negociadores peruanos con quienes esta idea ha sido analizada i discutida en su mas amplio desarrollo. Nuestros reiterados esfuerzos a este respecto escollaban invariablemente ante la equívoca consideración de que una venta inmediata i directa, por beneficiosa que fuera en realidad a los intereses del Perú, aparecería, en último término, como una forma disfrazada de anexión i, sobre todo, como un avance injustificado e inaceptable de las distintas bases de paz que Chile tenía propuestas desde las conferencias de Arica hasta el Protocolo de Viña del Mar.

Para obviar esta serie de dificultades que en mas de un momento llegaron a parecer insolubles, recurrióse al arbitrio de deferir la solución del problema a la propia voluntad de los habitantes de las regiones cuestionadas, i se adoptó, al efecto, la estipulación que sobre la materia consigna el Tratado de 20 de octubre. Chile retendrá durante diez años la posesión de los territorios comprendidos entre la quebrada de Camarones i el río Sama, sometidos, desde luego, al imperio de su régimen constitucional i legal, i trascurrido este término, un plebiscito determinará a cuál de los dos países deban pertenecer definitivamente. El país que

resulte adquirente del dominio de la rejion disputada pagará al otro diez millones de pesos.

No escapará, por cierto, a la ilustrada consideracion del Congreso, ni escaparia siquiera a la observacion mas superficial, que el sistema ideado para resolver la dificultad tiene el inconveniente de mantener en suspenso durante un espacio de tiempo relativamente considerable, la determinacion de la nacionalidad o soberanía definitiva de la rejion territorial mencionada.

Esto, no obstante, si se medita con algun detenimiento en la cláusula del pacto que analizamos, se vendrá en cuenta de que la irregularidad que nos anticipamos a señalar, tiene un carácter mas bien técnico que de resultados prácticos, a lo ménos, en cuanto se relaciona con los intereses de Chile.

I a la verdad, no podria decirse que fuera dañosa a Chile la condicion indefinida en que queda el dominio de Tacna i Arica durante diez años, toda vez que esos territorios deben ser organizados i sometidos desde luego al imperio de nuestras autoridades nacionales i de nuestro régimen constitucional i legal. Acaso esta misma situacion transitoria creada para la rejion de que nos ocupamos por el pacto de 20 de octubre, preparará, por la inversa, la asimilacion paulatina, tranquila i espontáneamente elaborada de todos los elementos estraños que en el momento actual habrian podido perturbar nuestro pacífico dominio sobre aquellos territorios. De esta manera, si el resultado del plebiscito nos fuera favorable, si los intereses creados durante los diez años al amparo de nuestra lejislacion, de nuestra industria i capitales, intereses desarrollados a la sombra de la paz i del trabajo, garantidos por nuestra vigorosa organizacion política; si todas estas causas, repito, indujeran a los habitantes de la rejion de Tacna i Arica a decidirse por la nacionalidad chilena, en esta hipótesis, que debe estimarse quizá la mas probable, la asimilacion de nuestros nuevos connacionales estaría operada de antemano sin violencia ni sacudimientos i sin exigir mas que una simple rectificacion en el mapa jeográfico de Chile.

Todavia en la hipótesis que contemplamos, Chile habria obtenido la ventaja de recojer anticipadamente de las rentas naturales de la rejion a que nos referimos, una suma análoga sino excedente de la que habria de pagar como precio de su adquisicion.

Pero, si estas previsiones, que solo apuntamos como probables, no se realizaran, si el resultado del plebiscito volviera la rejion territorial de Tacna i Arica al dominio del Perú, cumpliria a la política leal i honrada de Chile acatar el fallo de aquellos pueblos,

limitándose a recibir una compensacion pecuniaria de diez millones de pesos, que unida a las rentas que nos habia procurado anticipadamente la ocupacion de esos territorios durante diez años, excedería, sin duda alguna, a la que habiamos reclamado a este mismo título en las bases propuestas en 1880 i 1882.

**Protest of the inhabitants of Tacna and Arica upon the occupation
of the Provinces of Tacna and Arica, March 10, 1884.**

The undersigned, denizens of the Provinces of Tacna and Arica, declare:

1st. That for the purpose of ending the war waged between our country and the Republic of Chile, a Treaty of Peace has been ratified, in which the latter nation demands, as an essential condition, possession of the provinces of Tacna and Arica for a period of ten years, popular opinion, at the end of this term, to be appealed to, in order to determine thereby whether these provinces are to constitute a part of Peru or be definitely annexed to Chile.

2nd. That this would mean the loss to Peru of two provinces which are closely bound to her by indissoluble ties of common interest and historical tradition.

3rd. That the transitory possession of the Provinces of Tacna and Arica, even for a limited period, constitutes an aggression against the unity of Peruvian territory, a unity permanently guaranteed by our Constitution, and which the will of the nation has ever been prompt to defend.

4th. That the Republic of Chile has no title whatsoever to justify her claim to the provinces of Tacna and Arica, for the victories won by her armies can by no means render lawful the conquest of the territories which she covets.

5th. That if the Treaty has been subscribed to, this has been done under compulsion and is due to the severe pressure exerted by Chilean arms, all the stipulations contained therein being therefore null and void.

6th. That even though coerced by Chilean arms, Peru cannot alienate, even transitorily, the constitutional rights of collective Bodies in favor of a nation, antagonistic through its institutions to our customs and deep-seated traditions.

7th. That the Treaty having been ratified and subsequent to the ten-year term of occupation, when the will of the provinces shall be appealed to, to decide to which of the two nations they desire to belong, the denizens of these districts shall be the only ones to have the right to decide upon their status.

Due to the above and to many other reasons, the undersigned are agreed:

1st. To solemnly protest respecting the clause of the Treaty which surrenders our provinces for ten years to the Republic of Chile, owing to the clause in question being wanting in the very principles of patriotism, right and justice, which are the foundations of International Law.

2nd. To remain faithful to the Peruvian nation, obeying its laws, recognizing its legally constituted authorities, and bearing the burdens which it may impose upon us; and for ever united with our Fatherland, Peru, to follow and share in that fate which Providence may have in store for it.

3rd. To recognize as valid, for the purposes of the decision to which Article III of the Treaty refers, absolutely none but the freely expressed will of the citizens born in our provinces.

4th. To take all necessary steps which may lead to the fulfilment of the foregoing intentions, and publishing the present Protest so that its contents may be known all over the Republic and come to the attention of all other nations.

(Signed) Bruno J. Vargas, Gregorio Bustios, F. Saturnino Bustios, Rigoberto Molina, Miguel J. Zavala, José M. Herrera, Dr. Monge Ledesma, Dr. Guillermo MacLean, Juan MacLean, Luis B. Arce, Enrique Forero, Manuel M. Forero, Manuel Cornejo, Carlos Basadre y Forero, José R. Pizarro, Neptali J. G. Zavala, J. Oviedo, E. Allende, Guillermo Vera Revenga, Fortunato Osorio, A. Albarracín, P. L. Sotomayor, José S. Bustios, Javier Aquiles Mendes, Carlos Zapata, Julio F. Galvez, Aristides G. Vigil, Manuel T. Maria, Juan R. Stevenson, Federico Arias y Delgado, J. E. Barron, Juan de la Rosa Plaza, Lorenzo Infantas, Carlos Forero, Pedro J. Portocarrero, Adán Vargas, Federico Vargas, Enrique Landa, Felipe Landa, S. Vargas, Alfredo Valle-Riestra, Pedro Linares, Milciades Cornejo, Lucas Paneagua, F. M. Baluarte, Valeriano Albarracín.

Together with the signatures of all the inhabitants of the Department.

TACNA, *March 10, 1884.*

Protesta de los tacneños y ariqueños por la ocupacion de Tacna y Arica, 10 de marzo de 1884.

Los que suscriben, naturales de las provincias de Tacna y Arica, considerando:

Primero. Que para poner término á la guerra que ha sostenido nuestra Patria con la República de Chile, se ha ratificado un Tratado de Paz en que esta última exige como condición indispensable la posesión por diez años de las provincias de Tacna y Arica; consultándose á la conclusión de este término la voluntad popular para saber por medio de ella, si dichas provincias deben formar parte del Perú ó quedar definitivamente anexadas á Chile.

Segundo. Que esto importa para el Perú la segregación de dos de las provincias que le están más estrechamente unidas por vínculos poderosos de interés común y tradiciones históricas.

Tercero. Que la posesión temporal de las provincias de Tacna y Arica, aunque sea por un término limitado, constituye un ataque á la integridad del territorio peruano; integridad que ha garantizado siempre nuestra Carta fundamental, y la que siempre se ha manifestado dispuesta á defender la voluntad de la Nación.

Cuarto. Que la República de Chile no tiene título alguno que justifique su pretensión sobre las provincias de Tacna y Arica; pues las victorias obtenidas por sus ejércitos, en nada puede legitimar la conquista de los territorios que pretende.

Quinto. Que si se ha suscrito el Tratado ha sido únicamente *en fuerza de la dura opresión* que ejercían las armas chilenas, siendo por tanto *nulo y de ningún valor* cuanto en él se estipule.

Sexto. Que el Perú, aún obligado por las armas chilenas, no puede enagenar derechos imprescriptibles de personalidades colectivas, en beneficio de una nación ajena por sus instituciones á nuestras costumbres y tradiciones inveteradas, aunque sea temporalmente.

Sétimo. Que habiéndose ratificado el Tratado y después de los diez años de ocupación que en él se establecen se consulta la voluntad de las provincias para que decidan á cuál de las dos Naciones desean pertenecer; los naturales de esos lugares son los únicos que tienen derecho á resolver de su suerte.

Por estas y otras muchas consideraciones acordaron:

Primero. Protestar solemnemente de la cláusula del Tratado en la cual se estatuye la posesión por diez años de nuestras provincias á la República de Chile, por faltar en dicha cláusula á

los principios absolutos de honor patrio, razón y justicia sobre que se basan los preceptos del derecho internacional.

Segundo. Permanecer fieles á la Nación Peruana, acatando sus leyes, reconociendo sus autoridades legítimas constituídas, soportando las cargas que nos imponga; y unidos siempre al Perú nuestra patria, seguir junto con ella la suerte que la Providencia le tenga reservada.

Tercero. No reconocer como válido para la resolución á que se refiere el artículo del Tratado, sino única y exclusivamente la voluntad libre de los ciudadanos nacidos en nuestras Provincias.

Cuarto. Tomar cuantas medidas conduzcan á la realización de las resoluciones anteriores; publicando la presente á fin de que su contenido llegue á saberse en todos los lugares de la República y de todas las Naciones.

Bruno J. Vargas, Gregorio Bustíos, F. Saturnino Bustíos, Rigoberto Molina, Miguel J. Zavala, José M. Herrera, Dr. Monge Ledesma, Dr. Guillermo MacLean, Juan MacLean, Luis B. Arce, Enrique Forero, Manuel M. Forero, Manuel Cornejo, Carlos Basadre y Forero, José R. Pizarro, Neptalí J. G. Zavala, J. Oviedo, E. Allende, Guillermo Vera Revenga, Fortunato Osorio, A. Albarracín, P. L. Sotomayor, José S. Bustíos, Javier Aquiles Mendes, Carlos Zapata, Julio F. Gálvez, Aristides G. Vigil, Manuel T. María, Juan R. Stevenson, Federico Arias y Delgado, J. E. Barrón, Juan de la Rosa Plaza, Lorenzo Infantas, Carlos Forero, Pedro J. Portocarrero, Adán Vargas, Federico Vargas, Enrique Landa, Felipe Landa, S. Vargas, Alfredo Valle-Riestra, Pedro Linares, Milciades Cornejo, Lucas Paneagua, F. M. Baluarte, Valeriano Albarracín.

Siguen las firmas de todos los ciudadanos del Departamento.

TACNA, *marzo 10 de 1884.*

Statement by Sr. Luis Aldunate, Minister of Foreign Affairs of Chile, during the conference of December 7, 1883, with the Bolivian negotiators. (Luis Aldunate: "Los Tratados de 1883-1884." Santiago, 1912, p. 243.)

(Minutes of the Conference of the 7th December, 1883, between Sr. Luis Aldunate, Minister of Foreign Affairs, and Messieurs Belisario Salinas and Belisario Boeto, Representatives of Bolivia. The Minister of Foreign Affairs speaks.)

* * * * *

In order to give Bolivia an outlet to the Pacific there were only two possible alternatives. Either that outlet would be granted creating a break in Chilean territory, or we would be compelled to seek it by furnishing Bolivia with an egress to the extreme north of that same territory.

The first alternative is absolutely unacceptable owing to its very nature, and the second, that is the cession to Bolivia of the extreme north of Chilean territory, is not even within the sphere of action of the Government or within its powers to concede. The Representatives of Bolivia know only too well that according to the clauses of the Treaty signed with Peru on the 20th of last October, the final sovereignty of the territories of Tacna and Arica is consequent on a plebiscite or popular vote, which is to take place within the term of ten years, counted from the date of the ratification of that agreement. If Chile, therefore, has not herself obtained possession of those territories but solely the expectation thereof, subject to the term and conditions to which reference has been made, it is evident that she could not transfer to Bolivia a title which she herself, in absolutely no way, at present possesses.

And now with reference to the suggestion that the Treaty of the 20th of October, should be modified so that Peru might consent to immediately surrender to Bolivia possession of the territories previously mentioned, he (the M. of F. A.) considers that, even were complete abstraction made of the claims and interests of Chile, the Government would be absolutely precluded from undertaking or even suggesting such a course to Peru. The Representatives of Bolivia cannot, indeed, have forgotten that

Peru continued the war for two long years, at the cost of fearful sacrifices, both of her present and of her future, with no other purpose nor any other intention than that of preventing the cession, exacted by Chile, of the afore-mentioned territories of Tacna and Arica.

It is, indeed, a well-known fact that, from the time of the defeat of Piérola, the various leaders who have succeeded one another at the head of Peruvian affairs, typifying the spirit of opposition to peace, have always declared themselves ready to subscribe to it, provided Chile were willing to limit her demands solely to the cession of the Province of Tarapacá as far as Camarones. Therefore the most desperate and most disastrous period of the struggle carried on by Peru against the Chilean army in occupation, is precisely that in which the only cause of our conflict was narrowed down to the resistance of the conquered nation to give up to Chile the territories of Tacna and Arica. The mere recollection of these antecedents will be more than sufficient to convince the honorable gentlemen representing Bolivia how absolutely improbable would be the acceptance by Peru of the suggestion which is being discussed or how impossible it is for Chile, not only to give its support thereto but even to suggest it to the Government of that country.

The terms of the solution stipulated in the Treaty of the 20th of October give Peru a chance to recover the territories of the region in dispute, and Chile's good faith and her word are pledged to a rigidly scrupulous fulfilment of that treaty; she could not, therefore, lend herself, even indirectly, to be the means of destroying the hope which the conquered nation may and should have of recovering the sovereignty of that region through the agencies selected for the purpose. Any suggestion put forward by our diplomacy tending to destroy this expectation, would certainly be construed in Peru as a direct evasion of the solemn compact which we have just concluded and as an attempted spoliation by Chile, not in her own interest but in that of a third Power.

Nº 48

Declaración de D. Luis Aldunate, Ministro de Relaciones Exteriores de Chile, en la conferencia del 7 de diciembre de 1883 con los plenipotenciarios de Bolivia. (*Luis Aldunate*: "Los Tratados de 1883-84." Santiago, 1912, pág. 243.)

Para dar á Bolivia una salida hacia el Pacífico, no habría sino dos únicos caminos posibles. O bien esa salida se abriría pro-

duciendo una solución de continuidad en el territorio de Chile, ó bien, sería forzoso procurárnosla dando paso á Bolivia por el extremo norte de ese mismo territorio.

La primera de las hipótesis contempladas, es absolutamente inaceptable por su propia naturaleza y la segunda, esto es, la cesión á Bolivia del extremo norte del territorio chileno, no está siquiera dentro de la esfera de acción y de las facultades del gobierno. Conocen sobradamente los señores representantes de Bolivia, que según las cláusulas del pacto ajustado con el Perú el día 20 de octubre último, el dominio definitivo de los territorios de Tacna y Arica, queda deferido á un plebiscito ó votación popular que habrá de verificarse dentro de un plazo de diez años contados desde el día de la ratificación de aquel pacto. Si, pues, Chile no ha adquirido el dominio de aquellos territorios sino una mera expectativa sujeta á los plazos y condiciones á que acaba de aludir, es evidente que no le sería dado conferir á Bolivia un título de que él mismo carece en absoluto hasta el presente.

Por lo que toca, ahora, á la idea de modificar el tratado de 20 de octubre á fin de que el Perú consintiese en atribuir, desde luego, á Bolivia el dominio de los territorios mencionados, considera que, aún hecha absoluta prescindencia de los derechos y del interés de Chile, el gobierno se encontraría en la absoluta imposibilidad de iniciarla ó insinuarla siquiera al Perú. No podrá ocultarse á los señores representantes de Bolivia, que el Perú ha prolongado durante dos largos años la guerra, en medio de enormes sacrificios de su presente y de su porvenir, sin otro propósito ni otra mira que la de resistir á la cesión exigida por Chile de los mencionados territorios de Tacna y Arica.

Es bien notorio, en efecto, que, á contar desde la caída de Piérola, los diversos caudillos que se han sucedido en el gobierno del Perú, representando el espíritu de resistencia á la paz, hánse manifestado dispuestos á suscribirla, siempre que Chile limitara sus exigencias á sólo la cesión de la provincia de Tarapacá hasta Camarones. Por manera que el período más desesperado y más desastroso de la lucha que ha sostenido el Perú contra los ejércitos de ocupación de Chile, es precisamente aquel en que toda la causa de nuestros conflictos se hallaba limitada á la resistencia del país vencido para ceder á Chile los territorios de Tacna y Arica. El recuerdo de estos antecedentes bastará y sobrára para que los honorables señores representantes de Bolivia se penetren, ya de la absoluta inverosimilitud de la aceptación, por parte del Perú, de la idea que examina, ya de la imposibilidad en que Chile

se encuentra no sólo para prestarle apoyo, sino aun para iniciarla ante el gobierno de aquel país. La fórmula de solución consagrada en el pacto de 20 de octubre, reserva al Perú la expectativa de recuperar los territorios de la región cuestionada y comprometida la fe y la palabra de Chile en el más religioso cumplimiento de aquel pacto, no podría propender, siquiera fuese indirectamente, á que desaparecieran, desde el primer momento, las esperanzas que puede y debe cifrar el país vencido de recobrar el dominio de aquella región por los medios escogitados con este fin. Toda insinuación sugerida por nuestra diplomacia para turbar esta expectativa, se estimaría ciertamente en el Perú como una burla del pacto solemne que acabamos de ajustar y como el intento de un despojo perseguido por Chile, ya no en su interés propio, sino en obsequio de un país tercero.

Communication from Sr. Eugenio Larrabure y Unánue, revealing a conversation he had with the Chilean Minister, Sr. Jovino Novoa. (*El Comercio* of Lima, Edition of the 7th May, 1900.)

THE PLEBISCITE OF TACNA AND ARICA

To the EDITOR of "EL COMERCIO," *Lima*.

SIR: Your last editorial replies to the one published in *El Mercurio* of Valparaiso, wherein that [Chilean] periodical states that Peru was never greatly concerned about the plebiscite in Tacna and Arica, and that two years after the time-limit had expired, it fell to Chile to leave on record the first move in this direction, by initiating negotiations for that purpose. The publication by you of one of my dispatches, dated the 10th of August, 1892, that is to say two full years before the date agreed upon for the holding of the plebiscite, in which I request the Chilean Minister to submit proposals for the negotiation of the protocol, amply disproves the allegation of the Valparaiso daily.

I am not familiar with the motives, undoubtedly of a serious nature, which prevented my predecessors in office from broaching a matter of this importance; but what I am in a position to assert is that, following upon my initiative of the 10th of August, 1892, various attempts were made for the settlement of this momentous issue.

The archives of the Ministry certainly contain: 1st, the Chilean Plenipotentiary's reply of the 11th of August, 1892, promising to ask his Government for instructions; 2nd, the suggestions which I submitted to him on the 5th of September of that same year, for a treaty which would settle the problem for all time and which would strengthen the political and commercial relations between both peoples, and 3rd, this diplomatist's reply undertaking to forward everything to his Government "at the earliest possible moment." One of these early suggestions was the following: "The Government of Chile shall evacuate the territory comprising the provinces of Tacna and Arica, which shall revert to the sovereignty and possession of Peru."

These documents conclusively prove the inaccuracy of the contention of the Chilean press, respecting the country which

first instituted proceedings for determining the conditions for the plebiscite.

Since I have touched upon this matter, I shall ask to be allowed to recall, without thereby transgressing the canons of diplomatic reserve, a few facts and statements which are not devoid of interest and may possibly shed a new light upon the development of these negotiations.

The Treaty of Ancon, of unhappy memory, being already signed, no other recourse was left but to endeavor to soften some of its consequences and to bend every effort towards securing at least a modification of some of its clauses. For instance, the condition requiring an immediate payment was most oppressive; while the undertaking to assume liability for the foreign debt—a matter which legally concerned Chile and not Peru, stripped as she was of all her resources—urgently called for a clearer definition and the adoption of certain measures; then again, it was by no means apparent why the Peruvian Plenipotentiaries had signed a treaty which allowed Chile to retain control of Tacna and Arica for ten years. None could deny that we were dealing with a treaty which had been signed under duress. What, then, was to prevent Chile from annexing both provinces precisely as she had done in the case of Tarapacá? All this was, and still remains, incomprehensible to a great many people and urgently calls for some kind of an understanding.

But to revert. The Chilean Negotiator was a man already advanced in years, whose wizened shell and parchment-like features were in contrast with his astute brain and profound experience of men and affairs. Both from his manner and owing to his physical characteristics, he gave the impression of a man who had suffered many and serious disappointments; while his rare and faintly acid smile, and the deep furrows which lined his face, revealed an undoubted deep and abiding bitterness of soul. I am convinced that Sr. Jovino Novoa was suffering from some organic disease which was the cause of his sudden outbursts of irritability. A man of this kind, possibly the only one President Santa Maria could find willing to undertake a mission of the nature of that with which he was entrusted in Lima, required the most delicate handling, with the ever present consciousness that one false move would bring matters back to the original situation and precipitate Peru, bled white and tottering, once again into the horrors of a war which now seemed over.

The results of these negotiations are to be found partly in

the protocols subscribed, partly among the archives of the Chilean Chancery and in those of our own Ministry of Foreign Affairs; but I do not recall whether any Memorandum is preserved in our Chancery dealing with the steps taken to clear up the mystery to which I have alluded, relative to the famous matter of Tacna and Arica.

Sr. Novoa maintained that it was in nowise Chile's intention to remain in definite possession of the provinces; the merest suspicion of such an intention would constitute the gravest affront to the unquestioned honesty and love of justice of his country. But Chile insisted on some guarantee that the promises given would be kept and the covenants duly executed. She feared that as Peru was continually exposed to political upheavals, any revolutionary leader might summon a Parliament to meet somewhere in the interior and destroy the fabric erected by Chile at the cost of such great sacrifices.

As a matter of fact, Tacna and Arica were merely to be held as hostages by Chile. The ten years stipulated in 1884 for the holding of the plebiscite would, by 1894, constitute a species of prescriptive right with respect to the province of Tarapacá. During that time Chile would have an opportunity to consolidate her possession of the wealth in nitrates, which was the only compensation she had demanded for her outlay and her losses.

Indeed, to quote Sr. Novoa once more, at the end of those ten years, Chile would generously return Tacna and Arica to Peru, foregoing the stipulated plebiscite in a praiseworthy attempt to efface, as far as lay within her power, the bitter memories born of the late war. There was a simple and convincing reason for this determination: Tarapacá, to all intents and purposes, was nothing but one vast mining camp, worked from early times by Chilean labor and developed by Chilean capital; whereas Tacna and Arica could not be considered other than genuinely Peruvian, thought possessing, it is true, no very great commercial value, but bound by no ties of any kind to Chile; inhabited by a cultured people, it could not be torn from Peru without disturbing the whole edifice of her political and social organization. In a word, according to Sr. Novoa, what Chile desired was, not a few townships, but the wealth of Peru; and forthwith to assume a pretended generosity of purpose to save herself from incurring our undying enmity.

And it was so evident—always according to Sr. Novoa—that such were the real intentions of the Chilean government, that it

undertook to change nothing in Tacna and Arica; that national sentiment would ever be respected until such a time when the dangers which Chile anticipated having disappeared, the provinces would automatically and without friction be reincorporated with the rest of the Republic.

It will be readily understood that no written statement could possibly be obtained respecting such exceptional promises. It has ever been the practice of Chilean diplomacy never to leave on record its generous though verbal engagements; as to Sr. Novoa, he categorically declined to do so. Of all these promises, it is only fair to state, Chile—up to a few weeks ago—has only kept the one wherein she engages not to make any changes which might adversely affect national sentiment.

Subsequently, however, the grave mistake of organizing an imposing military demonstration was made, such as the great European Powers stage among the barbarous people of the East for the purpose of intimidating them. At the time when Peru sends a negotiator charged with messages of peace, concord and good-will, Chile retaliates by sending 3000 soldiers and even some pieces of heavy artillery to threaten the unfortunate captive provinces; at the very dawn of the twentieth century, she does not hesitate to persecute those sacred establishments where unoffending youth is taught the first principles of religion, knowledge and culture; she sends, as a scourge to this long-suffering people, a legion of judges, lawyers and shady practitioners for whom it has no use; she relentlessly pursues, with systematic enmity, all those families of Peruvian nationality, whose sole offence consists in not being of Chilean birth, and she terms this aggregate of senseless persecution—her policy of chilenization!

In all seriousness, such conduct borders on insanity and could hardly be believed were it not publicly carried out. The Chilean government seems to have completely overlooked its obligations as such. The press may counsel arbitrary and unwise measures, but a self-respecting government is not obliged to listen to such advice; its mission is generally supposed to be of a higher nature, while the measures it has put in practice in Tacna and Arica are very far from conforming to those standards of sound judgment and self-restraint which, in other and more creditable times, were considered the peculiar distinctives of Santiago statesmen.

Who can deny that a serious upheaval is thus being needlessly and artificially provoked? Who can foretell the consequences of such a policy? The first drop of blood to be shed in the streets

of Tacna (and it will not be long before this takes place, if the mistaken policy of oppression is persisted in by the Santiago government, to the exasperation of those two provinces which have ever been high-spirited and, indeed, heroic) will be the signal for a general conflagration, and whose, then, will be the responsibility?

I may be mistaken, but it is my firm conviction that the extreme measures which are being put into practice will only serve to indefinitely delay the settlement of the present difficulties; but they will never lead to an honorable and satisfactory agreement between Peru and Chile. It is a grave error to think that there are no possible means of harmonizing the interests of both nations, the statements of the Chilean press notwithstanding, which is distinguishing itself by its reckless and unrestrained campaign of senseless and irresponsible invective; a method which is, fortunately, quite out of date at the present time, and which is certainly unworthy of a publication of the standing of *El Mercurio*.

Nor should we in Peru lose sight of the fact that even in Chile, not all the cultured and important people are averse to a lawful and equitable settlement. Chile, also, counts among her citizens many honorable and right-thinking men to whom the attitude of a harsh conqueror is both hateful and repugnant; who note with profound concern these transgressions against the rights and the liberties of a nation, weak to-day, it is true, but which certainly has given proof of great fortitude in the face of cruel reverses and which still holds undoubted promise of a not far distant prosperity and greatness.

Let the Government of Chile abandon its present policy and let the Press of that country abstain from sowing rancor and distrust between two peoples which need not live in ceaseless strife to attain real happiness, and which, unless I am very greatly mistaken, have another and higher mission to fulfil in America.

I am, Sir, Yours very truly,

E. LARRABURE Y UNÁNUE.

LIMA, May 7, 1900.

Nº 49

Carta de Don Eugenio Larrabure y Unanue revelando una conversación que tuvo con el Ministro chileno Don Jovino Novoa

EL PLEBISCITO DE TACNA Y ARICA

Señor DIRECTOR DE EL COMERCIO.

MUY SEÑOR MIO: En su editorial último contesta usted el de *El Mercurio* de Valparaíso, en que dicho periódico asegura

que el Perú jamás se preocupó del plebiscito de Tacna y Arica y que dos años después de vencido el plazo, fué Chile quien, dejando constancia de la primera palabra, inició negociaciones con tal objeto. La publicación que hace usted de un despacho mío, de 10 de agosto de 1892, es decir, dos años antes de la época fijada para celebrar el plebiscito, invitando al ministro chileno, á poner las bases y negociar el correspondiente protocolo, están probando lo contrario de lo que asegura el periódico de Valparaíso.

Ignoro los motivos, muy serios sin duda, que tuvieron mis predecesores para no tocar cuestión tan importante; pero sí puedo decir que, á la iniciativa de 10 de agosto de 1892, siguieron diversas gestiones para arreglar este grave asunto.

Así, en el Ministerio existen sin duda: 1° la contestación del plenipotenciario de Chile, de 11 de agosto de 1892, ofreciendo pedir instrucciones á su gobierno; 2° las bases que le remití en 5 de setiembre del mismo año, á fin de celebrar un tratado que solucionase definitivamente el problema, estrechando las relaciones políticas y comerciales entre ambos pueblos; y 3° la contestación de dicho agente diplomático prometiendo enviar todo á su gobierno "á la mayor brevedad." Una de dichas bases primeras era esta: "El gobierno de Chile desocupa el territorio de las provincias de Tacna y Arica, las cuales continuarán bajo la soberanía y dominio del Perú."

Dedúcese de esos documentos que las aseveraciones de la prensa chilena, sobre la iniciativa de su país para celebrar las condiciones del plebiscito, carecen absolutamente de verdad.

Y ya que he tocado este punto, permítame usted rememorar, sin herir en lo menor las reservas diplomáticas, algunos hechos y declaraciones que no carecen de interés y que pueden arrojar alguna luz sobre la historia de estas negociaciones.

Suscrito ya el tratado de Ancón, de triste recuerdo, no quedaba más sino pensar en aminorar sus consecuencias y hacer esfuerzos por obtener siquiera la modificación de varias de sus cláusulas. Así, la imposición de pago inmediato era angustiosa; la parte relativa á las deudas externas, cuya obligación legalmente correspondía á Chile y no al Perú, despojado de sus riquezas, imponía la necesidad de una aclaración y de dar ciertos pasos; en fin, no se explicaba tampoco por qué los plenipotenciarios peruanos firmaron un pacto en el que Chile retenía Tacna y Arica durante 10 años. ¿No es cierto que se trataba de un tratado que se había impuesto por la fuerza? Entonces podía también absorber Chile, de una vez, ambas provincias, como lo hiciera con Tara-

pacá. Todo esto era, y es aún para muchas personas, un misterio que convenía aclarar.

Pues bien. Gestionaba en nombre de Chile un hombre ya viejo, apegaminado, con talento y profunda experiencia de los hombres y de las cosas. Por su trato y las condiciones especiales de su temperamento, parecía haber sufrido grandes reveses en la vida; y al través de su sonrisa, algo esforzada, y de sus arrugas, descubriase un gran fondo de amargura. Sospecho también que el señor Jovino Novoa, estaba orgánicamente enfermo y sujeto, en consecuencia, á transiciones bruscas de carácter.

En un personaje semejante, único tal vez que encontró el presidente Santa María, para la misión que le encomendara en Lima, era muy delicado tratar y se corría el peligro de retraer las cosas y lanzar de nuevo al Perú, desangrado y moribundo, á todos los furores de una guerra cruel que parecía ya terminada.

Los resultados de esas gestiones se hallan, una parte en los protocolos, suscritos, otra en los archivos de la cancillería extranjera y en el ministerio de relaciones; pero no recuerdo si en nuestra cancillería se conserva algún *memorándum* de los pasos dados para esclarecer el misterio de que he hablado, relativo á la célebre cuestión de Tacna y Arica.

Decía el señor Novoa que Chile no pretendía absolutamente quedarse con dichas provincias. Suponerlo siquiera era ofender la honradez y el amor, nunca desmentido, de su país á la justicia. Pero Chile juzgaba indispensable velar por el cumplimiento de la palabra empeñada y por la seguridad de los pactos. Temía que, estando expuesto el Perú á constantes convulsiones políticas, cualquier caudillo reuniese una asamblea en el interior y deshiciese la obra realizada por Chile con tantos sacrificios.

Tacna y Arica eran, en último resultado, los rehenes que se tomaba Chile. Los diez años pactados en 1884 para el plebiscito vendrían á fundar una especie de prescripción respecto de la provincia de Tarapacá en 1894. Ese tiempo iba á permitir á Chile asegurar su dominio sobre las riquezas salitreras, que era todo lo que se había tomado en compensación de sus gastos y pérdidas.

Más aún, según el señor Novoa, vencido aquel plazo, Chile devolvería generosamente Tacna y Arica al Perú, sin plebiscito, y con el laudable propósito de borrar, hasta donde fuera posible, los odios engendrados por la guerra. Para hacerlo así existía una razón clara y sencilla: Tarapacá no era sino un extenso mineral, explotado de tiempo atrás por brazos y capitales chilenos; al paso que Tacna y Arica constituían verdaderas poblaciones,

netamente peruanas, sin gran importancia comercial si se quiere, pero sin vínculos de ningún género con Chile; con una sociedad culta y que no era posible amputar al Perú, sin conmover todo su organismo. En una palabra, según el señor Novoa, Chile no quería pueblos, sino las riquezas del Perú; y darla en seguida de generoso, por evitarse los peligros de tener á un enemigo perpétuo.

Y eran tan evidentes que tales eran los propósitos del gobierno chileno, según el mismo señor, que nada se movería en Tacna y Arica por las autoridades de su país: se respetaría siempre el sentimiento nacional, mientras llegaba el momento en que, salvados los peligros que preveía Chile, se reincorporaban dichas provincias de una manera natural y sin esfuerzo en el seno de la patria.

Como bien se comprende, imposible fué obtener algo escrito de tan trascendentales declaraciones. Es vieja costumbre de la cancillería de Santiago jamás consignar en el papel sus generosos ofrecimientos verbales; y el señor Novoa se negó rotundamente á ello. De esos ofrecimientos, leal es confesarlo, Chile sólo ha cumplido, hasta hace pocas semanas, su promesa de no introducir en el territorio ocupado innovaciones que afectasen el sentimiento nacional.

Después, se ha dado el paso muy falso de una gran demostración militar, como hacen los estados europeos con los pueblos bárbaros de Oriente, para atemorizarlos. Mientras el Perú manda un plenipotenciario con palabras de paz, de armonía y confraternidad, Chile contesta enviando tres mil soldados y hasta cañones de grueso calibre á amenazar á las pobres provincias cautivas; persigue sin el menor escrúpulo, en la aurora del siglo XX, los establecimientos sagrados donde inocentes é inofensivas criaturas reciben nociones de religión, de ciencias y artes; manda, como un castigo á aquellos nobles pueblos, una legión que no necesita de jueces, abogados y tinterillos; ataca y hostiliza una y otra vez, á familias peruanas, por el crimen de no haber nacido en Chile; y á este conjunto de medidas absurdas llama—la chilenización!

Francamente, todo esto no es cuerdo y parecería imposible, á no verse públicamente. El gobierno de Chile ha olvidado sus deberes de tal. Los periódicos pueden aconsejar calaveradas y provocaciones imprudentes; pero un gobierno no tiene por qué seguirlos. Su misión es más elevada; y lo que está practicando en Tacna y Arica no está conforme con ese buen sentido práctico, con esa tranquila posesión de sí mismo, con que se han revestido en tiempos honrosos para Chile los señores de la Moneda.

¿No es cierto que se está, sin necesidad, formando artificialmente un volcán? ¿Adónde se pretende llevarnos? La primera gota de sangre que corra en las calles de Tacna (y correrá muy pronto con los errores del gobierno de Santiago, si sigue opri-
miendo y desesperando á aquellos dos pueblos que han sido siempre valientes y hasta heroicos) será la señal de una conflagración general. ¿Y de quién la responsabilidad?

Quizá esté en error; pero creo que las formas violentas que se están empleando aplazarán indefinidamente los asuntos pendientes; pero jamás conducirán al Perú y á Chile á una solución honrosa y satisfactoria. Es falso creer que no existen medios de armonizar los intereses de ambos pueblos; por más que así lo proclamen los diarios chilenos que han emprendido la campaña de los denuestos y de los arrebatos irreflexivos, campaña que ya no se usa en estos tiempos, mucho menos en periódicos de la importancia de *El Mercurio*.

Ni en el Perú debemos olvidar que en Chile mismo, no toda la gente ilustrada y de elevada posición social es enemiga de una solución legal y justa. Allí también hay personas serias y honradas á quienes repugna el triste papel de conquistador; que ven con profundo desagrado que se atropellen los derechos y las consideraciones debidas á un país, pobre hoy es cierto; pero que conserva, sin duda alguna, grandes virtudes en medio de sus reveses y elementos poderosos de una prosperidad y de un engrandecimiento que quizá no están muy remotos.

Vuelva el gobierno de Chile sobre sus pasos; y evite la prensa de ese país sembrar más odios y profundos rencores entre pueblos que no necesitan vivir en perpétua lucha para ser felices; y que, ó mucho me engaño, ó tienen otra misión, más noble y trascendental, que desempeñar en la América del Sur.

Queda de Ud. atento y S. S.

E. LARRABURE Y UNANUE.

LIMA, 7 de mayo de 1900.

Opinion that Peru could contrive to secure funds to pay the indemnity. (Vial Solar: "Paginas Diplomáticas." Santiago, 1900, p. 212.)

It had always been assumed in our country, during the protracted and arduous course of this diplomatic negotiation for reasons as ill-advised as they were imprudent, that Peru would never be able to regain possession of Tacna and Arica, because she lacked the necessary means wherewith to pay the war indemnity, owing to the unsettled condition of her finances, which a domestic policy—where confusion and improvidence had prevailed at will—had been unable systematically to regulate or restore through judicious economy.

Peru will not, for very many years, it was always said, recover from her financial catastrophe; meanwhile Chile can expect in all security that this condition of affairs will give her, with no plebiscitary voting, the final possession of the territories in dispute, whenever a wise appreciation of the circumstances will convince Peruvian statesmen of their absolute inability to honorably discharge that portion of the Treaty of Ancon.

Meanwhile, deceived by this line of argument, the danger which this very condition of the Peruvian finances implied was being lost sight of; no warning was sounded to the effect that this same confusion in Peru would find or might find within itself a natural and logical solution, and as nations, just as happens with individuals, when in debt are likely to sell some of their possessions, so in the present instance it might prove for Peru to be a lighter and less onerous sacrifice to lease one of her ports, or sell one of the many islets of her coast, to the nation which might wish to establish a naval or coaling station there, than it would be to surrender to Chile, for a bare million pounds sterling, two provinces of her territory, drenched with the blood of her noblest sons, shed in defense of their country's honor on the Arica Bluffs and at the Alto de la Alianza.

The payment of the indemnity of ten million "soles," a little less than a million pounds sterling, demanded in the manner of some pitiless money-lender at a time of much distress and penury, involved, before the Jimenez-Vial-Solar agreement was signed,

the gravest of all dangers for the future security of Chile, a fact which explains why this negotiator, in his conferences with the Minister Jimenez, strove to settle this point of diplomatic dissidence in the most prudent and equitable fashion, this solving an abstruse and difficult point in the international relations of both countries.

Nº 50

Opinión de que el Perú podía arbitrarse recursos para atender a la indemnización. (*Vial Solar*: "Páginas Diplomáticas." Santiago, 1900. Pág. 212.)

Siempre se había argumentado en nuestro país, durante el largo y escabroso curso de esta gestión diplomática, con la razón, tan mal inspirada como poco discreta, de que el Perú no podría recuperar á Tacna y Arica porque carecía de los recursos necesarios para pagar la indemnización de guerra, vista la situación angustiosa en que su erario había quedado y que una política interna, en la que el desorden y la imprevisión habían campeado como señores de la situación, no había conseguido ordenar con método ni reponer con la indispensable economía.

El Perú no podrá en muchos años, siempre se había dicho, reponerse de su gran quebranto financiero, y por lo tanto, Chile puede esperar confiado en que este estado de cosas le dará, sin la votación plebiscitaria, el dominio definitivo de los territorios disputados, el día en que un sesudo criterio haga ver á los hombres públicos peruanos su radical impotencia para cumplir honradamente y en esta parte el tratado de Ancón.

Pero, argumentando así, no se veía el peligro que esta misma situación del erario peruano entrañaba, no se advertía que este peligro de la falencia peruana encontraría ó podría encontrar en sí misma su solución natural y lógica, ya que, así los individuos como las naciones, cuando no pueden pagar sus deudas, venden algo de lo que poseen y ya que en el caso que contemplamos más ligero y fácil sacrificio sería para el Perú el arrendar alguno de sus puertos ó vender alguno de los muchos islotes de su costa á la nación que allí quisiera tener una estación naval ó carbonera, que entregar á Chile, por un millón de libras esterlinas solamente, dos provincias de su territorio, en donde la sangre de sus mejores hijos había sido derramada sobre el Morro y el Alto de la Alianza en defensa del honor nacional.

El pago de la indemnización de diez millones de soles, ó sea, de

menos de un millón de libras esterlinas, exigidas en el día de la falencia y de la miseria con torpe mano de usurero, encerraba, antes de firmarse el acuerdo Jiménez-Vial Solar, el más grave de los peligros para la seguridad futura de Chile, y por eso aquel plenipotenciario en sus conferencias con el Ministro Jiménez, procuró arreglar este punto de la disidencia diplomática en la forma más prudente y equitativa y que alcanzara á solucionar también un punto oscuro y gravísimo de la situación internacional de ambos países.

No. 51

Note from Mr. Logan to Mr. Frelinghuysen, November 1, 1883,
first part. (Foreign Relations, 1883, p. 121.)

[Extract]

No. 146.] LEGATION OF THE UNITED STATES,
Santiago, November 1, 1883. (Received December 5.)

SIR: Having received a communication from my colleague in Lima, informing me that a difference had arisen between Iglesias and the Chilian Government upon the inclusion of Tarata in the territory of Tacna and Arica, I thought it my duty to see the foreign minister, Señor Aldunate, who had just returned from his visit to Peru, and learn the precise status of the case. To my relief, this gentleman informed me that my colleague was wholly mistaken as to the facts; that a slight difference of opinion had arisen upon a question of construction, and that after being discussed with the Iglesias representatives for a couple of hours, Chili had receded and confined the boundary to the line originally proposed by me during my negotiation with Señor Calderon, viz, the Sama River. The parties are, therefore, in perfect accord.

* * * * *

C. A. LOGAN.

No. 52

Communication from the Officer in Command of the Chilean forces in occupation to the Sub-Prefect of Chucuito. (Circular of the Ministry of Foreign Affairs of Peru, of the 20th September, 1921, p. 29.)

No. 4.]

REPUBLIC OF CHILE,
COMMANDANT OF THE FORCES,
IN OCCUPATION OF TARATA,
Tarata, January 9, 1884.

Under date the 21st of December last the Political and Military Commander of Tacna and Arica advises me as follows:

"According to the treaties which the Government of Chile has concluded with Peru, dated the 20th of October last, all the following territory now belongs to the former country: From the Gap or river of Sama to the north from its source in the Cordillera range which divides us from the Republic of Bolivia. You will therefore inform the officials who are stationed to the north of the above-mentioned line that they are relieved of their functions which were entrusted to them by the Heads of the Chilean Government.

"Proclaim the fact that the city of Tarata definitely belongs to the territory of Tacna, and must, therefore, remain in occupation by our troops as has been the case up to the present time."

As you will gather from the contents of the above communication, the undersigned cannot carry out any orders other than those issued by Chilean authorities. I am therefore returning herewith all the notes, circulars, decrees, etc., which were enclosed with your communication of the 2nd instant which I hereby have the honor to acknowledge.

R. SILVA ARRIAGADA.

To the SUB-PREFECT OF CHUCUITO.

Nota del jefe de las fuerzas chilenas de ocupación al Subprefecto de Chucuito. (Circular del Ministerio de Relaciones Exteriores del Perú del 20 de septiembre de 1921, pág. 29.)

Nº. 4.]

REPÚBLICA DE CHILE,
COMANDANCIA DE LAS FUERZAS
DE OCUPACIÓN DE TARATA,
Tarata, enero 9 de 1884.

Con fecha 21 de diciembre próximo pasado, el señor Jefe Político y Militar de Tacna y Arica me dice lo que sigue:

“Según los tratados que el Gobierno de Chile ha celebrado con el Perú, con fecha 20 de octubre último, queda como perteneciente a aquella República todo el territorio que hay desde la quebrada o río de Sama al norte, tomándolo en su origen en el cordón de cordillera que nos separa de la República de Bolivia. En consecuencia, haga usted saber a todas las autoridades que se encuentren al norte del límite indicado, que cesan en sus funciones encomendadas por los Jefes del Gobierno de Chile.

“Haga usted saber que la ciudad de Tarata es definitivamente perteneciente al territorio de Tacna, debiendo por tanto continuar ocupada por nuestras fuerzas como hasta el presente.”

Como US. verá por el texto de la nota anterior, el que suscribe no puede dar cumplimiento a otras órdenes que a aquellas que emanen de la autoridad chilena. En consecuencia, devuelvo a US. todas las notas circulares, decretos, etc., adjuntos a la nota de US. fecha 2 del corriente, que tengo el honor de contestar.—Dios guarde a US.

R. SILVA ARRIAGADA.

Al señor SUBPREFECTO DE CHUCUITO.

No. 53

Letter from the Peruvian Minister to Chile addressed to the Minister of Foreign Affairs of Chile, initiating the claim relative to Tarata, November 10, 1884. (Circular of the 20th September, 1921, Ministry of Foreign Affairs of Peru, p. 35.)

SANTIAGO, *November 10, 1884.*

SEÑOR ANICETO VERGARA ALBANO,
Town.

SIR AND ESTEEMED FRIEND: In an official communication dated the 28th of last month, the Minister of Foreign Affairs of Peru informs me that, on the 18th of that same month the Governor (Jefe Político de Tacna) of Tacna issued a decree by which the inhabitants of Tarata are made to pay a warrant tax.

You are aware that Article 3 of the Peace Treaty of the 20th of October of last year does not include Tarata as being within the boundaries of the province of Tacna, since it declares the river Sama as the northern boundary of the province referred to, while Tarata is situated to the north of that river.

It is therefore beyond any doubt that the Governor of Tacna had no authority whatsoever to levy contribution nor to issue decrees of any kind affecting territory beyond his jurisdiction.

Confronted by so grave a matter, the Minister of Foreign Affairs instructs me to undertake with the Government of this Republic the necessary steps to secure the repeal of this decree and the refund to the inhabitants of Tarata of the amounts which have been collected from them.

Considering it extremely unlikely—such is my personal impression—that the Chilean official alluded to should have acted in obedience to instructions from his government, which I believe to be sincerely anxious to strictly observe the stipulations of the peace treaty, I think it better, before I embody the matter in an official communication, to beg you to be so good as to inform me whether this personal opinion of mine is correct or otherwise.

The ill-considered action of the Governor of Tacna assumes, at this time, in the opinion of my Government, an additional gravity, because, apart from the flagrant violation of a treaty to which the good faith of both peoples is naturally pledged, it threatens to be the cause of further difficulties for Peru, since it would provide

an additional pretext to the disturbers of the country's peace, who would not scruple to take the fullest advantage of such a measure, inflaming the partisan spirit of the masses against the grievous consequences for my country which this breach of the clauses of the Peace Treaty may entail.

I trust that the Government of Chile will hasten to correct the infringement in question as a tribute to these friendly and cordial relations to whose resumption it has been my privilege to contribute.

Your very sincere and faithful servant,

VIDAL GARCIA Y GARCIA.

Nº 53

Nota de Ministro del Perú en Chile dirigida al Ministro de Relaciones Exteriores de Chile entablando la reclamación sobre Tarata, 10 de noviembre de 1884. (Circular del 20 de septiembre de 1921, pág. 35.)

SANTIAGO, *noviembre 10 de 1884.*

Señor don ANICETO VERGARA ALBANO,

Presente.

ESTIMADO SEÑOR Y AMIGO: En comunicación oficial fechada el 28 del mes último, el señor Ministro de Relaciones Exteriores del Perú me manifiesta que, con fecha 18 del mismo mes, se expidió por la jefatura política de Tacna un decreto imponiendo contribución de patentes a los habitantes de Tarata.

No ignora usted que el artículo 3º del tratado de paz de 20 de octubre del año próximo pasado, no comprende a Tarata en la demarcación de la provincia de Tacna, pues fija terminantemente el río Sama como límite norte de la referida provincia, y Tarata se halla situada al norte de dicho río.

Está, por consiguiente, fuera de toda duda que el Jefe Político de Tacna no ha tenido facultad alguna para imponer contribuciones ni dictar decreto de ningún género sobre territorios extraños a su jurisdicción.

En presencia de un hecho tan grave, me ordena el Ministro de Relaciones, que entable ante el Gobierno de esta República la gestión conveniente para que sea revocado dicho decreto y se reintegre a los habitantes de Tarata las cantidades que se les haya cobrado.

Juzgando, por mi parte, imposible que el referido funcionario

chileno haya procedido en esta circunstancia en conformidad con las instrucciones de su Gobierno, sinceramente interesado en el estricto cumplimiento de las estipulaciones del tratado de paz, creo oportuno, antes de dirigir a usted nota alguna oficial, suplicarle que tenga a bien hacerme presente si estas presunciones personales son equivocadas o no.

La impremeditada resolución del Jefe político de Tacna reviste en estos momentos, a los ojos de mi Gobierno, un doble carácter de gravedad, pues aparte de la flagrante violación de un pacto en que se halla empeñada la fe de ambos pueblos, ella entraña para el Perú otro germen de dificultades, puesto que ofrece nuevo asidero, en su culpable obcecación, a los enemigos de la paz interna.

No dejarán éstos de explotarla, invocando el patriotismo de las masas contra las tristes eventualidades que puede crear al país la infracción de las cláusulas del tratado de paz.

Espero que el Gobierno de Chile se apresurará a reparar la mencionada falta, en bien de las amistosas y cordiales relaciones a cuyo restablecimiento me ha sido grato contribuir.

De usted afectísimo y seguro servidor.

VIDAL GARCÍA Y GARCÍA.

Note of the Minister of Foreign Affairs of Peru to the Minister of Chile in Lima, February 16, 1885, insisting upon the claim respecting Tarata. (Circular of September 20, 1921, Ministry of Foreign Affairs of Peru, p. 39.)

MINISTRY OF FOREIGN AFFAIRS,
LIMA, *16th February, 1885.*

SIR: The press of this city has, in the evening editions of the 14th instant, published a Decree of the Government of Chile, dividing the Department of Tacna into eight subdivisions, a measure with regard to which the undersigned considers it to be his duty to call your attention, owing to the inclusion, in that apportionment of territory, of certain districts which, not being a part of Tacna and Arica, possession of which has been granted to Chile for ten years in accordance with the provisions of the Treaty of Ancon, have been and still are an integral part of Peruvian territory and subject, therefore, to the laws and authority of the Republic.

As Your Excellency knows full well, in addition to the clear and specific definition of "Provinces" made use of in the Peace Treaty to describe the zone of occupation accorded to Chile in the territory of Tacna and Arica, by which this zone was limited to the provinces of that same name in the Department of Tacna, therefore excluding from the effects of such occupation the third province it formerly contained; the approval of H. E. General Iglesias to the above-mentioned Treaty was preceded by conferences in which Your Excellency personally took a very active part, during which it was agreed, with Your Excellency's acquiescence as Chilean Plenipotentiary, that this occupation would only affect the two provinces in question.

Your Excellency has likewise been informed, by means of conferences with the writer and by the Note I had the honor to send you on the occasion of a decision of the Governor (Jefe Politico) of Tacna, taxing the townships of the province of Tarata, that as Tarata belongs to Peru, according to the agreements subscribed in the Treaty of Ancon, the decrees of the Chilean authority could not apply to the districts of that province, and therefore, both in our interviews and in my Note, I requested Your Excellency to

secure from your Government the repeal of that ordinance and the refund of the sums which, on its authority, may have been collected, in case there may not have been time to stop the effects of its provisions.

My Government was thoroughly convinced that as the foregoing facts were so well known to the Government of Your Excellency, there could be no possible obstacle to the scrupulous observance of the unambiguous terms of a treaty which put an end to a protracted conflict between two Sister Nations, thus furnishing the means for healing their wounds and recovering their strength, stimulated by loyal and sincere cooperation to steadily develop their mutual factors for prosperity and progress.

Unfortunately, though my Government has carried out with the most scrupulous fidelity the stipulations of the Treaty of Ancon, as Your Excellency is well aware, having overlooked, either in the past or at the present time, no means to increase and strengthen the bonds which bind it to the Republic of Chile, as is likewise well known to Your Excellency, it has experienced the most painful surprise on taking note of the contents of the Decree which constitutes the purpose of this communication, since it cannot believe that Your Excellency's Government would deliberately promulgate a measure in such open defiance of the solemn agreements entered into and which operates so singularly to the detriment of the territorial integrity of Peru.

Although the Chief Executive has no further knowledge of the measure other than that which I have mentioned to Your Excellency, yet he is inclined not to doubt its authenticity in view of the character of the publications which have reproduced its text; and under this impression and in the fulfillment of a duty, both sacred and imperative, for the safeguarding of the highest rights of the nation, I am hereby authorized by him to request that, in case such a measure should indeed have been decreed, Your Excellency will transmit to the Government you so worthily represent, the formal demand which mine hereby makes, to the effect that an explicit declaration be issued, recognizing the unquestioned right of Peru to the province of Tarata, and which will assure, in the future, the faithful execution of the covenant which brought peace to and revived the bonds of fraternal cordiality between our respective nations.

My Government cherishes the well-founded hope that, even though the above-mentioned territorial delimitation of the Department of Tacna should already have been carried into

effect, when Your Excellency's Government shall have taken into consideration, prompted thereto by its equitable and lofty judgment, the circumstances which I have had the honor to detail in this communication, it will not hesitate to at once issue the previously desired declaration, especially as such action would be an eloquent testimony to its unvarying respect for the precepts of justice and its scrupulous observance of international obligations, and a further proof of the sincerity of the effort made by Chile to develop and establish, on a permanent foundation, the friendly relations which bind her to Peru.

I take advantage of this opportunity to reiterate my feelings of high and distinguished consideration with which I subscribe myself,

Your Excellency's obedient servant,

B. GARCIA URRUTIA.

To His Excellency JOVINO NOVOA,

E. E. and Minister Plenipotentiary of Chile.

Nº 54

Nota del Ministro de Relaciones Exteriores del Perú al Ministro de Chile en Lima, de 16 de febrero de 1885, insistiendo en la reclamación sobre Tarata. (Circular del 20 de septiembre de 1921, pág. 39.)

MINISTERIO DE RELACIONES EXTERIORES,

Lima, febrero 16 de 1885.

SEÑOR: Algunos periódicos de esta capital han publicado, en su edición del 14 de los corrientes, un decreto del Gobierno de Chile, dividiendo el departamento de Tacna en ocho Subdelegaciones, y sobre cuyo decreto se cree el que suscribe en el ineludible deber de llamar la atención de V. E. por haberse incluido en dicha división territorial a distritos que, por no estar comprendidos en las provincias de Tacna y Arica, cuya posesión por diez años se concedió a Chile conforme al tratado de Ancón, han seguido y siguen formando parte integrante del Perú, y sujetos por lo tanto a las leyes y autoridades de la República.

V. E. sabe perfectamente, que, a más de la frase clara y terminante de *provincias* empleada en el tratado de paz, para determinar la zona de ocupación que se concedía a Chile en el territorio de Tacna y Arica, y con la que se circunscribió dicha zona a las provincias de esos nombres en el Departamento de Tacna, excluyendo, por consiguiente, de tal ocupación la otra

provincia que lo formaba; precedieron a la aprobación del indicado pacto por S. E. el General Iglesias, conferencias en que S. E. mismo tomó muy activa parte, y en las que se resolvió, con asentimiento de V. E. como Plenipotenciario de Chile, que esa ocupación sólo se extendería a las dos provincias mencionadas.

V. E. ha sido instruido igualmente, en conferencias realizadas con el que suscribe, y por nota que tuve el honor de dirigirle, con motivo de una disposición de la autoridad política de Tacna, imponiendo contribuciones de patentes en pueblos de la provincia de Tarata, que, siendo Tarata perteneciente al Perú, según lo estipulado en el tratado de Ancón, las resoluciones de dicha autoridad no podían ser extensivas a las localidades de esa provincia, y por tanto, en las conferencias como en la nota mencionada, solicité de V. E. se dirigiera a su Gobierno para obtener la derogatoria de esa disposición y la devolución de las sumas que, conforme a ella, se hubieran recaudado, caso que la falta de tiempo hubiese impedido paralizar sus efectos.

Descansaba mi Gobierno en la acendrada convicción de que siendo esos antecedentes tan conocidos por el Gobierno de V. E., nada podría dificultar el exacto cumplimiento de las claras cláusulas de un pacto que puso término a los desastrosos efectos de una larga guerra entre dos naciones hermanas, dándoles medio de cicatrizar sus heridas, restaurar sus fuerzas y emplear éstas, bajo la influencia de sentimientos tan leales como sinceros, en acrecentar cada día sus recíprocos elementos de prosperidad y progreso.

Desgraciadamente, mi Gobierno, que ha cumplido con la más escrupulosa religiosidad las diferentes estipulaciones del tratado de Ancón, como consta a V. E., y que no ha omitido ni omite medio alguno para hacer cada vez más íntimas y estrechas las relaciones que ligan a la República con Chile, como consta a V. E. también, ha experimentado muy penosa sorpresa con la lectura del decreto que sirve de materia al presente oficio, por serle imposible suponer que el Gobierno de V. E. dictase una resolución contraviniendo a pactos solemnes, y que obrase en detrimento de la integridad territorial del Perú.

Aun cuando S. E. el Jefe del Estado no tiene otro conocimiento del ya citado decreto que el que acabo de manifestar a V. E., sin embargo, se inclina a creer en su carácter auténtico por la reproducción que de él han hecho importantes órganos de publicidad; y es, en esta virtud, que cumpliendo un deber tan sagrado como imperioso, en guarda de los más augustos Derechos de la

Nación, me ha autorizado para dirigirme a V. E. rogándole que, en caso de haberse realmente expedido ese decreto, se sirva transmitir al Gobierno que V. E. tan dignamente representa, la formal petición que hace el mío, de dictar una declaración explícita, poniendo a salvo los incuestionables derechos del Perú a la provincia de Tarata, y que asegure, en lo sucesivo, la perfecta ejecución del convenio que ajustó la paz y restableció los vínculos de cordial fraternidad entre nuestros respectivos Estados.

Mi Gobierno abraza la fundada esperanza de que, aún en el supuesto de haberse llevado a cabo la indicada organización territorial del Departamento de Tacna, al apreciar el de V. E. con el recto y elevado criterio que le caracteriza, las consideraciones que he tenido el honor de consignar en este oficio, se apresurará a dictar la declaratoria antes referida, por lo mismo que ella constituiría un valioso testimonio del homenaje que rinde a los fueros de la justicia y al estricto cumplimiento de los pactos internacionales, y nueva prueba del noble empeño que Chile pone, de su parte, para robustecer y consolidar las amistosas relaciones que le ligan con el Perú.

Con este motivo, tengo a honra reiterar a V. E. los sentimientos de alta y distinguida consideración con que soy de V. E. muy atento y obsecuente servidor,

B. GARCIA URRUTIA.

Al Excmo. señor don JOVINO NOVOA,

Enviado Extraordinario y Ministro

Plenipotenciario de la República de Chile.

No. 55

Note from Peruvian Minister Elias, to the Minister of Foreign Affairs of Chile, dated October 13, 1886, insisting upon the return of Tarata. (Circular of September 20, 1921, Ministry of Foreign Affairs of Peru, p. 49.)

LEGATION OF PERU IN CHILE,
Santiago, October 13, 1886.

SIR: According to the stipulations of the Peace Treaty which put an end to the war between Peru and Chile, the territories of the provinces of Tacna and Arica were transferred to the temporary authority of this Republic, while paragraph 1 of Article 3 establishes that their northern boundary shall be the river Sama, from its source in the Andes Cordillera, conterminous with Bolivia, to its mouth in the ocean.

Notwithstanding such a conclusive and clear definition, the grave mistake has been made to consider as the source of the river Sama that of the river Tarata, which is one of its tributaries, whereby several districts of the province of this name have, on this account, been illegally separated from it, thus contravening the provisions of the Peace Treaty.

My Government, which is anxious to comply with every part of this international agreement, does not doubt that Your Excellency's Government is animated by the same intentions, and that, desiring to correctly interpret the stipulations therein contained, will see fit to give instructions for the carrying out of the necessary reform, ordering that the districts which are at present under the authority of Chilean officials, shall be evacuated.

Your Excellency's undoubted good judgment will duly appreciate how important it is, for the continuance of the friendly and cordial relations which happily subsist between Chile and Peru, that any difficulty be avoided which, by disturbing public opinion, might interrupt them in the slightest degree; while, with regard to the matter under discussion, it will be readily understood how imperative is my Government's duty to request, from that of Chile, the reincorporation of the territories which were not included in the temporary cession of those comprising the provinces of Tacna and Arica.

I would request Your Excellency to advise me with regard to

the course which your Government may adopt on this subject, while I would assure you in advance that, should Your Excellency consider it better to discuss this matter verbally, I would be happy to call upon you, when, during a special conference and furnished with abundant data, I am convinced that a satisfactory solution would be quickly and easily achieved. I take advantage of this opportunity to tender the assurances of my special regard, subscribing myself as

Your Excellency's obedient servant,

CARLOS M. ELIAS.

To His Excellency, Señor JOAQUÍN GODOY,
Minister of Foreign Affairs of Chile.

Nº 55

Nota del Ministro señor Elias al Ministro de Relaciones Exteriores de Chile, de 13 de octubre de 1886, insistiendo en la devolución de Tarata. (Circular del 20 de septiembre de 1921, pág. 49.)

LEGACIÓN DEL PERÚ EN CHILE,
Santiago, 13 de octubre de 1886.

Señor MINISTRO: Según lo estipulado en el tratado de paz, que puso término a la guerra entre el Perú y Chile, los territorios de las provincias de Tacna y Arica, quedaron bajo el dominio temporal de esta República, y en el párrafo 1º del artículo 3º se establece que su límite norte es el río Sama, desde su nacimiento en las cordilleras limítrofes con Bolivia hasta su desembocadura en el Océano.

A pesar de tan terminante y clara prescripción, se ha incurrido en el grave error de tomar como origen del río Sama el de Tarata, que es uno de sus afluentes, quedando por tal causa, varios distritos de la provincia de este nombre indebidamente segregados de ella, y contrariando así lo estipulado en el tratado de paz.

Mi Gobierno, que desea respetar en todas sus partes este pacto internacional, no duda que el de V. E. se halla animado también de idéntico propósito y que, interpretando correctamente las estipulaciones en él consignadas, no tendrá inconveniente para hacer la rectificación necesaria y ordenar la desocupación de los distritos que actualmente están bajo la dependencia de las autoridades chilenas.

Al ilustrado criterio de V. E. no se oculta cuánto importa para

el mantenimiento de las amistosas y cordiales relaciones que felizmente existen entre Chile y el Perú, evitar toda dificultad que, excitando el sentimiento nacional, pueda perturbarla, aún cuando sea levemente; y en el caso de que me ocupo, comprenderá muy bien cuán imperioso es el deber que tiene mi Gobierno para solicitar del de Chile la reincorporación de los territorios que no fueron comprendidos en la cesión temporal de los territorios de las provincias de Tacna y Arica.

Ruego a V. E. se digne comunicarme lo que a este respecto acuerde su Gobierno; y anticipóme a manifestarle que si V. E. creyese conveniente dilucidar verbalmente esta cuestión, con mejor acopio de datos en una conferencia especial, tendría por mi parte el agrado de concurrir a su despacho, seguro de que así se facilitaría su más pronta y acertada solución.

Aprovecho esta oportunidad para reiterar a V. E. las seguridades de la particular estima con que soy de V. E. atento y seguro servidor,

CARLOS M. ELÍAS.

Al Excelentísimo señor don JOAQUIN GODOY,
Ministro de Relaciones Exteriores de la República de Chile.

No. 56

Note from Peruvian Minister Elias, dated March 5, 1887, proving geographically the right of Peru to Tarata. (Circular of September 20, 1921, Ministry of Foreign Affairs of Peru, p. 53.)

LEGATION OF PERU IN CHILE,
Santiago, March 5, 1887.

SIR: As I promised Your Excellency on the occasion of the last time I had the opportunity of seeing you, I am sending herewith a Memorandum relative to the matter of Tarata which confirms the declarations made by me to Your Excellency's predecessor in my note of the 13th of October of last year, a reply to which has not yet been made, doubtless due to the pressure of business of Your Excellency's Department.

It is borne in upon me that, as is contained in the Memorandum—which is a summary of facts supplied to the Legation by persons of undoubted reliability—it is conclusively proved that the Government of Peru justly claims that a portion of its territory, which was not included in the temporary cession of the provinces of Tacna and Arica, be returned to it.

Your Excellency's Government, which has declared itself ever willing to carry out, in all its parts, the covenant which ended the war, cannot fail in this instance to bow to the force of evidence, and I venture to hope that, counseled by the loftiest sentiments, it will not hesitate to arrange for the return to Peru of the districts of the province of Tarata which are at present illegally subjected to the jurisdiction of Chile.

This is all the more necessary because, harmonious relations having been resumed between both countries, their governments are under the obligation to secure, now and in the future, the best interests of both peoples, so that the reciprocal and mutual respect and good will may efface the traces of useless dissensions and erect, upon a lasting foundation, a friendship which shall be productive of the highest welfare for Peru and Chile.

Hoping that, as Your Excellency has promised, this matter will receive special consideration to enable us to reach a prompt and satisfactory solution, I desire to reiterate my willingness, should such be necessary, to call upon Your Excellency whenever I may

be advised, when I shall be able to corroborate still further, by means of a special map, the accuracy of the statements contained in the enclosed Memorandum with reference to the source of the river Sama.

I wish to reiterate to Your Excellency upon this occasion the assurances of my high consideration and to subscribe myself as

Your Excellency's very obedient servant,

CARLOS M. ELIAS.

To His Excellency the MINISTER OF

FOREIGN AFFAIRS OF THE REPUBLIC OF CHILE.

Nº 56

Nota del Ministro peruano Elias, de 5 de marzo de 1887, demostrando geográficamente el derecho del Perú a Tarata. (Circular del 20 de setiembre de 1921, pág. 53.)

LEGACIÓN DEL PERÚ EN CHILE,

Santiago, 5 de marzo de 1887.

Señor MINISTRO: Como le ofrecí a V. E., en la última ocasión en que tuve el agrado de verle, acompañé al presente oficio un memorándum referente a la cuestión de Tarata, que confirma lo que manifesté al antecesor de V. E. en mi nota de 13 de octubre del año pasado, cuya contestación está aún pendiente, sin duda por las muchas atenciones de ese despacho.

Paréceme que, con lo expuesto en este memorándum, que resume los datos transmitidos a esta Legación por personas competentes, queda probado que el Gobierno del Perú reclama, con justicia, la devolución de la parte de su territorio, que no fué incluida en la cesión temporal del de las provincias de Tacna y Arica.

El Gobierno de V. E., que ha declarado siempre estar dispuesto a cumplir, en todas sus partes, el pacto que puso fin a la guerra, no puede en este caso dejar de reconocer la verdad de las cosas, y me es grato confiar en que, inspirándose en los más elevados sentimientos, no tendrá dificultad para ordenar que sean devueltos al Perú los distritos de la provincia de Tarata, que hasta ahora permanecen indebidamente sujetos a la jurisdicción de Chile.

Tanto más necesario es esto, cuanto que, reanudadas las buenas relaciones entre los dos países, deber de sus Gobiernos es propender a que, de presente y para el porvenir, los bien entendidos intereses

de ambos pueblos, el respeto recíproco y la mutua estimación, borren las huellas de ingratas disensiones y cimenten sobre bases seguras una amistad que puede ser fecunda en bienes para el Perú y Chile.

Esperando que, como me lo ha ofrecido V. E., se ocupará preferentemente de este asunto, y que así podremos acercarnos a su pronta y satisfactoria solución, le repito que si fuese preciso, concurriré a su despacho cuando tenga a bien indicármelo, para demostrar aún más, si cabe, a la vista de un plano especial, la exactitud de lo que expresa el memorándum adjunto en lo relativo al origen del río Sama.

Reitero a V. E., con este motivo, las protestas de alta consideración, con que soy de V. E. muy obsecuente servidor.

CARLOS M. ELIAS.

Al Excmo. señor MINISTRO DE RELACIONES EXTERIORES
DE LA REPÚBLICA DE CHILE.

No. 57

Decree of the Chilean Government of May 4, 1904, altering the boundaries between Arica and Pisagua. (Bulletin of the Ministry of Foreign Affairs of Peru, No. 6, p. 59.)

No. 1786.]

SANTIAGO, May 4, 1904.

Considering that both the Treaty of Peace and Friendship with Peru, dated the 20th of October, 1883, and the laws of the 31st of October, 1884, which created the provinces of Tarapacá and Tacna, when determining the northern boundary of the first mentioned province and the southern boundary of the second, read: "The Camarones Gap and river" omitting to specify in detail the positions (puntos) which stud this line as from Arepunta—where the several affluents which make up the river Camarones converge—and the frontier of Bolivia;

And further, that the decrees of the 9th May and 5th November, 1885, and that of the 28th August, 1888, when defining the limits of the sub-delegations and districts between the conterminous departments of Arica and Pisagua, refer to those sub-delegations and districts, determined by the laws, in the respective departments, and these (laws) when referring to the limits of these departments merely mention those (departments) indicated in the two provinces;

That this uncertainty in the boundaries of a part of its territory has caused the jurisdiction of the authorities of the departments of Arica and Pisagua to conflict;

That, as it is within the province of the ordinary tribunals of justice to determine the lawfulness of jurisdictional measures which the authorities of those departments may have put into effect simultaneously in the previously mentioned territory, the present decree cannot affect the civil rights which such jurisdictional measures may give rise to;

Therefore: In view of the report and the plan submitted by the Chief of the Bureau of Boundaries (Oficina de Límites), according to which the position of the boundary which limited the province of Tarapaca on the north, at the time it was ceded to Chile, is determined on the ground (queda determinada en el terreno) and is the boundary which the treaty and the laws previously mentioned observed:

DECREE:

The line of demarcation of the northern boundary of the province of Tarapacá, between Arepunta and the frontier of Bolivia, is the following:

The river Ajatama up to that point where it is joined by the Blanco river; from there in a straight line to the former boundary of Jancuma or Peñas Blancas; from there another line to the source of the Lirpo; another to the crest of Cerro Pelado of Llaleta Pampa and thence the line of ridges which goes through those of Chuyuncayani, Viscachitambo, Portezuelo de Chaca, Cerro del Herraje, Cerro Castilluma, Cerro Achachamayo, Cerro Arintica and Cerro Puquintica.

The Bureau of Boundaries shall indicate this line on the ground by means of iron pyramids.

Let the report be published in the *Diario Oficial* (Official Gazette) and the enclosed plan sent to the Ministry of Industries and Public Works to be filed in the Department of Geography and Mines of that Ministry.

Note hereof to be taken; to be registered, communicated and published.

RIESCO.—*Sotomayor.*

Nº 57

Decreto del Gobierno chileno, de 4 de mayo de 1904, modificando los limites entre Arica y Pisagua. (Boletín del Ministerio de Relaciones Exteriores del Perú, No. 6, pág. 59.)

Núm. 1,786.]

SANTIAGO, 4 de mayo de 1904.

Considerando que, tanto el tratado de paz y amistad con el Perú, de 20 de octubre de 1883, como las leyes de 31 de octubre de 1884 que crearon las provincias de Tarapacá y Tacna, al fijar el límite norte de la primera y sur de la segunda dicen: "La quebrada y río de Camarones" sin especificar en detalle los puntos que forman esa línea á partir de *Arepunta*, donde confluyen los diversos brazos que forman el río de *Camarones*, y la frontera de Bolivia.

Que los decretos de 9 de mayo y 5 de noviembre de 1885 y el de 28 de agosto de 1888, al deslindar subdelegaciones y distritos entre los departamentos limítrofes de Arica y Pisagua, se refieren á los señalados por las leyes en los respectivos departamentos, y aquellas, al indicar los de éstos, sólo hacen referencia á los señalados en las dos provincias; que esta ambigüedad, en la limitación

de una parte de su territorio, ha dado origen á conflictos de jurisdicción entre las autoridades de los departamentos de Arica y Pisagua:

Que correspondiendo á la justicia ordinaria pronunciarse sobre el mérito legal de los actos jurisdiccionales que simultáneamente hubieren ejecutado las autoridades de esos departamentos en el territorio antes indicado, el presente decreto no puede afectar los derechos civiles á que den origen tales actos de jurisdicción; y,

Visto el informe y plano presentado por el jefe de la oficina de límites, según los cuales queda determinada en el terreno la ubicación del deslinde que limitaba por el norte la provincia de Tarapacá en la época de su cesión á Chile, límite que mantuvieron el tratado y leyes al principio recordados;

Decreto:

La línea de demarcación del límite norte de la provincia de Tarapacá, entre Arepunta y la frontera de Bolivia, es la siguiente:

El río de Ajatama hasta el punto en que se le junta el río Blanco; después de allí una línea recta al antiguo lindero de Jancuma ó Peñas Blancas; desde allí otra al ojo de agua de Lirpo; otra al rancho de Pucupucune; otra á la cumbre del cerro pelado de Llaleta Pampa y desde allí la línea de cumbres que pasa por las de Chuyuncayani, Viscachitambo, portezuelo de Chaca, cerro del Herrahe, cerro Castilluma, cerro Achachamayo, cerro Arintica y cerro Puquintica.

La oficina de límites queda encargada de demarcar dicha línea en el terreno con pirámides de fierro.

Publíquese el informe en el *Diario Oficial* y remítase el plano anexo al ministerio de industrias y obras públicas para su archivo en la sección de geografía y minas de ese ministerio.

Tómese razón, regístrese, comuníquese y publíquese.

RIESCO.—Sotomayor.

Note of the Minister of Foreign Affairs of Peru to the Minister of Foreign Affairs of Chile, July 16, 1904, protesting against this decree. (Bulletin of the Ministry of Foreign Affairs of Peru, No. 6, p. 1.)

MINISTRY OF FOREIGN AFFAIRS,
Lima, July 16, 1904.

SIR: The Official Gazette (*Diario Oficial*) of the Republic of Chile, in its issue of the 4th of May last, No. 7901, published Decree No. 1786, also dated the 4th of that same month, by which Your Excellency's government determines the northern boundary of the province of Tarapacá, from a point at Arepunta to the Puquintica hill, situated between the province of Arica and that of Tarapacá, up to the frontier of Bolivia, to be as follows:

"The river Ajatama up to that point where it is joined by the river Blanco; from there in a straight line to the former boundary, Jancuma or Peñas Blancas; from there to the source of the Lirpo; another line to the Pucupucune estate; another to the crest of Cerro (Hill) Pelado de Llaleta Pampa; and from there through the line of ridges which passes through those of Chunlluncayani, Viscachitambo, Portezuelo de Chaca, Cerro de Herraaje, Cerro de Castilluma, Cerro de Achachamayo, Cerro Arnitica and Cerro Puquintica."

Although the objection, formulated by this Department in its communication addressed to the Chilean Legation in Peru on the 15th January, 1900, and the resulting declaration made by the Chilean Representative in his communication of the 17th of that same month, to the effect that "in no case could the measures of his Government (relative to the boundaries of the Chilcaya and Surire districts (Delegaciones), whatever they might be, affect the rights conferred on Peru by the Treaty of Ancon," might be considered as ample protection of these rights against any unlawful interpretation which might be given to the present decree of the Chilean Government; nevertheless, not only the decision itself, but the reasons upon which this decree is based, compel me, so as to safeguard the territorial interests of the Peruvian province of Arica (a part of the district termed by Chile "Province of Tacna") which my Government considers affected, to address you

directly owing to the want, at the present time, of a Peruvian Legation in Chile or of a Chilean Legation in Peru.

Indeed, in view of Chile's transitory control of these provinces, until a decision is reached as to whom their definite possession shall be given, the measures relative to territorial delimitations promulgated by Your Excellency's Government, cannot have any but an internal or domestic value, since a ruling of any other nature would require the consent of Peru, which maintains unimpaired the rights conceded by the treaty subscribed by both nations on the 20th of October, 1883. Nevertheless, in the causative portion of the decree, it is stated that the Treaty does not specify in detail the positions which indicate the northern boundary of the province of Tarapacá, and the southern boundary of that of Tacna (including that of Arica) as from Arepunta, where the various branches which comprise the Camarones river converge; while, before the prescriptive (*dispositiva*) portion, reference is made to a report and plans drawn up by the Department of Surveys (*Oficina de Límites*) according to which the line of demarcation is determined on the soil (*determinada en el terreno*) "which bounded the province of Tarapacá on the north at the time it was ceded to Chile, a boundary recognized by the treaty and laws already mentioned," a line which is described in this decree by the afore-mentioned positions (*puntos*).

A decision of this nature cannot, therefore, be considered solely as a measure dealing with the internal administration of territories subject to the authority—diversely interpreted—of the government of Chile, but constitutes a definition of the laws, governing the boundaries in question, which cannot be accepted by the government of Peru.

The already mentioned Peace Treaty ceded the territory of this "littoral province of Tarapacá" to Chile, that is to say, that definite portion of Peruvian territory designated by that name. It is therefore indisputable, and the decree to which I am referring likewise acknowledges it, that the boundary between Pisagua, northern district of that province, and that of Arica, cannot be other than that which is so determined by the laws of Peru antedating the 20th of October, 1883.

Tarapacá, before it was constituted as a separate territorial circumscription, belonged, up to 1837, to the Department of Arequipa; from that date on it became part of the seaboard department of Tacna, and from the 1st of December, 1868, was made a seaboard province, still keeping, however, the Camarones

Gap and Camarones River for its boundary. In agreement with this demarcation, the Census of 1876 gives, as districts belonging to the seaboard province of Tarapacá, those of Iquique, Pica, Pisagua, Tarapacá, Camiña, Chiapa, Sibaya and Mamiña, all of them situated to the south of the Camarones River and to that of its chief affluent, the Caritaya. It follows, therefore, that even though the Treaty of Peace and Friendship of the 20th of October, 1883, does not specifically mention in detail the positions (puntos) which mark the dividing line between the provinces of Tarapacá and Arica, yet the general terms it employs, when referring to the delimitation which was in force according to Peruvian laws, define the boundary with ample precision; because, as the province of Tarapacá had been taken from the Department of Tacna, so as to make up the seaboard province which was later ceded to Chile, it is evident that that which was not expressly included in that segregation, remained included within the principal portion, which was the Department of Tacna, of which the province of Arica is a part, according to Peruvian delimitation.

It follows, from the preceding exposition, that the previously referred-to decree, issued by Your Excellency's government, has taken the river Ajatama as a boundary, and, as a continuation of the line, the positions (puntos) specifically mentioned, instead of having taken the river Caritaya and the districts (parajes) complementing it, thus segregating a portion of the province of Arica to which it rightfully belongs, so as to incorporate it with that of Tarapacá.

This delimitation has been recognized by the Court of Appeals of Tacna, in its decision of the 6th December, 1903, confirming the inhabitants of the province of Arica in the possession of the natural wealth lying to the south of the boundary established by the decree of the 4th of May; as well as by the well-known Chilean engineer Rengifo, officially appointed in 1898, by Your Excellency's government to draw up the plan of the Camarones region.

Whenever it has been decided to act differently, ignoring the examples set by historical precedent and the laws of Peru, inevitable inconsistencies and contradictions have been the result, although an ever-present tendency to keep pushing the real boundary of Tarapacá northward has been always apparent.

Thus, the Governor of Pisagua in his report for March, 1900, and the Bureau of Geography and Mines, of the Department of Public Works of Chile, maintained that the boundary between

these provinces was constituted by the Humayane Gap, which converses with that of Camarones on the right flank. At variance with the preceding opinions is the report issued a short while later on the same subject by the Director of the Santiago Observatory; while the conclusions reached by Sr. Bertrand, Director of the Bureau of Boundaries, though of various kinds, are identical with those reproduced in the decree of the 4th of May. All the foregoing conclusively proves that, even upon a matter of geographical information, the official mind in Chile has not been able to agree respecting those boundaries.

May I therefore be allowed to conclude that the decree which originates this protest does not rest upon the evidence of the real titles relating to the boundaries between the provinces of Arica and Tarapacá; and that, when it fixed their boundaries, a considerable portion of the territory belonging to the first-mentioned province, upon which Peru has maintained all her rights, has been subtracted therefrom so as to add it to the latter, which was yielded to Chile by the Treaty of Ancon.

In view of the above exposition, and in the name of my government, I formally make every reservation to this decree, in such a manner as to prevent the rights of Peru from ever being affected, as far as respects the boundary of the province of Arica, the delimitation of which, as at present constituted, cannot be considered as established except in so far as regards the requirements of internal or domestic administration.

I take advantage of this opportunity to tender the assurances of my high and distinguished consideration.

ALBERTO ELMORE.

To His Excellency the MINISTER OF
FOREIGN AFFAIRS OF CHILE.—*Santiago.*

Nº 58

**Nota del Ministro de Relaciones Exteriores del Perú al de Chile,
de 16 de julio de 1904, protestando contra este decreto.**
(Boletín del Ministerio de Relaciones Exteriores del Perú,
No. 6, pág. 1.)

MINISTERIO DE RELACIONES EXTERIORES,
Lima, 16 de julio de 1904.

Señor MINISTRO: En el número 7,901 del "Diario Oficial" de la república de Chile, correspondiente al 4 de mayo último, se ha publicado un decreto número 1,786, fechado el 4 del mismo mes, por el cual el gobierno de V.E. fija la línea de demarcación del

límite norte de la provincia de Tarapacá, desde el punto Arepunta hasta el cerro Puquintica, situado entre la provincia de Arica y la de Tarapacá, hasta la frontera de Bolivia, como sigue:

“El río de Ajatama hasta el punto en que se le junta el río Blanco; desde allí una línea recta al antiguo lindero de Jancuma ó Peñas Blancas; desde allí al ojo de agua de Lirpo; otra al rancho de Pucupucune; otra á la cumbre del Cerro Pelado de Llaretá Pampa; y desde allí la línea de cumbres que pasa por las de Chunlluncayani, Viscachitambo, Portezuelo de Chaca, Cerro del Herraje, cerro de Castilluma, Cerro de Achachamayo, cerro Arintica y cerro Puquintica.”

Aunque las reservas que formuló esta cancillería en la nota dirigida á la legación de Chile en el Perú, el 15 de enero de 1900, y la consiguiente declaración que el representante chileno hizo, en comunicación de 17 del mismo mes, de que “en ningún caso, la resolución de su gobierno (sobre los linderos de las delegaciones de Chilcaya y Surire) cualquiera que fuese, podría afectar á los derechos que confiere al Perú el tratado de Ancón,” bastaría para resguardar estos derechos contra el indebido alcance que quisiera atribuirse al reciente decreto del gobierno chileno; sin embargo, no sólo la parte resolutive, sino las consideraciones en que se ha fundado dicho decreto, me obligan, para poner á salvo los intereses territoriales de la provincia peruana de Arica (parte de la circunscripción llamada en Chile provincia de Tacna) que mi gobierno considera afectados, á dirigirme á V.E., haciéndolo de un modo directo por la falta actual de legación peruana en Chile, y de legación chilena en el Perú.

En efecto, dada la posesión precaria que Chile tiene en esas provincias, mientras se decide á quién corresponderá el dominio definitivo de ellas, las disposiciones que sobre demarcación territorial dictara el gobierno de V.E. no han de trascender más allá del régimen interno, desde que cualquiera otra disposición exigiría el acuerdo del Perú, que conserva íntegros los derechos que le reconoce el tratado ajustado entre ambos países el 20 de octubre de 1883; pero, en la parte considerativa del decreto, se afirma que aquel tratado no especifica en detalle los puntos que forman el límite septentrional de la provincia de Tarapacá, y meridional de la de Tacna (incluyendo la de Arica), á partir de Arepunta donde confluyen los diversos brazos que forman el río de Camarones; y antes de la parte dispositiva, se hace referencia á un informe y plano presentados por la oficina de límites, según los cuales queda *determinada* en el terreno la línea de deslinde “que limitaba por el norte la provincia de Tarapacá en la época de su cesión á Chile,

límite que mantuvieron el tratado y leyes al principio recordados," y que se determina en ese decreto por los puntos antes mencionados.

Semejante resolución no se reduce, pues, á una medida de administración interna en territorios sujetos, *bajo diversos conceptos*, á la autoridad del gobierno de Chile; sino constituye una interpretación de las leyes determinantes de los límites en cuestión, que no puede ser aceptada por el gobierno del Perú.

Por el mencionado tratado de paz fué cedido á Chile el territorio de la "provincia litoral de Tarapacá," es decir, la sección territorial peruana conocida con ese nombre. Es, por tanto, indiscutible, y el decreto á que vengo refiriéndome lo acepta, que el límite entre Pisagua, distrito septentrional de esa provincia, y la de Arica, no puede ser otro que el señalado por las leyes peruanas, anteriores al 20 de octubre de 1883.

Tarapacá, antes de formar una circunscripción territorial separada, perteneció, hasta 1837, al departamento de Arequipa; desde este año entró á formar parte del departamento litoral de Tacna, y desde el 1° de diciembre de 1868 fué erigida en provincia litoral, teniendo siempre por límite la quebrada y río de Camarones. En armonía con esta demarcación, el censo de 1876 señaló como distritos correspondientes á la provincia litoral de Tarapacá, los de Iquique, Pica, Pisagua, Tarapacá, Camiña, Chiapa, Sibaya y Mamiña, todos situados al sur del río Camarones y de su principal afluente, el Caritaya. Resulta, por consiguiente, que si bien el tratado de paz y amistad de 20 de octubre de 1883, no especifica en detalle los puntos que forman la línea divisoria entre las provincias de Tarapacá y Arica, los términos generales que emplea, siendo de referencia á la demarcación que existía conforme á las leyes peruanas, dejan establecido el límite con bastante precisión, porque habiendo sido segregada la provincia de Tarapacá del departamento de Tacna, para formar la provincia litoral que más tarde fué cedida á Chile, es claro que lo que expresamente no fué comprendido en esa segregación, continuaba comprendido en la sección principal, que era el departamento de Tacna, de que forma parte la provincia de Arica, según la demarcación peruana.

De lo antes expuesto se deduce, que el decreto referido del gobierno de VE. ha adoptado como lindero el río de Ajatama, y los puntos que se señalan como continuación; en vez de haber tomado el río Caritaya y los parajes que le corresponden como complemento; segregando así una sección de la provincia de Arica, que le pertenece, para incorporarla á la de Tarapacá.

Tal pertenencia ha sido reconocida por la corte de apelaciones de Tacna, en la sentencia de 6 de diciembre de 1903, que ha amparado á los pobladores de la provincia de Arica en la posesión de las riquezas naturales radicadas al sur del límite establecido por el decreto de 4 de mayo; y también por el distinguido ingeniero chileno señor Rengifo, comisionado oficialmente en 1898 por el gobierno de VE. para levantar el plano de la región de Camarones.

Cuando se ha procedido con diverso criterio, apartándose del derrotero marcado por los antecedentes históricos y las leyes peruanas, se ha incurrido en inevitables inconsecuencias y contradicciones, si bien revelándose siempre la tendencia á avanzar hacia el norte el límite verdadero de Tarapacá.

Así, el gobernador de Pisagua, en su informe de marzo de 1900, y la sección de geografía y minas de la dirección de obras públicas de Chile, sostuvieron que el límite entre esas provincias estaba constituido por la quebrada de Humayane, que desemboca en la de Camarones por la margen derecha. Discrepa de las anteriores opiniones el informe que poco después expidió, sobre el mismo asunto, el director del observatorio de Santiago. Y son diversas las conclusiones á que llega el señor Bertrand, director de la oficina de límites, y que son las mismas que reproduce el decreto de 4 de mayo. Todo esto muestra que, ni aún como labor geográfica, ha podido uniformarse el criterio oficial en Chile sobre estos límites.

Séame, pues, permitido concluir que el decreto materia de esta protesta no se funda en los verdaderos títulos de los linderos entre las provincias de Arica y de Tarapacá; y que, al hacer la delimitación entre ellas, ha segregado una notable porción del territorio perteneciente á la primera de esas provincias, sobre la cual conserva sus derechos el Perú, para agregarlo á la segunda que fué adjudicada á Chile por el tratado de Ancón.

Por todo lo expuesto, hago en nombre de mi gobierno las reservas correspondientes respecto á ese decreto; de modo que nunca puedan resultar afectados los derechos del Perú en lo que se refiere al límite de la provincia de Arica, que no ha podido ser establecido sino con alcance para el régimen interno.

Con este motivo, ofrézcole, señor ministro, las seguridades de mi más alta y distinguida consideración.

ALBERTO ELMORE.

Al Excmo. señor MINISTRO DE RELACIONES EXTERIORES
DE LA REPÚBLICA DE CHILE.—*Santiago.*

No. 59

Note of the Minister of Foreign Affairs of Chile to the Chilean Minister in Lima, dated April 12, 1890, offering to increase the indemnity for Tacna and Arica in case they were ceded directly to Chile. (Circular of the Ministry of Foreign Affairs of Peru for 1901, p. 78.)

SECRET AND CONFIDENTIAL.

REPUBLIC OF CHILE,
MINISTRY OF FOREIGN AFFAIRS,
Santiago, April 12, 1890.

Since Peru is now, owing to the protocol signed in Santiago on the 8th of January, by our Minister of Foreign Relations and the Envoy Extraordinary and Minister Plenipotentiary of the above-mentioned nation, provided with the necessary funds to enable it to satisfy the demands of its British creditors, thus extinguishing the claims which these same creditors considered they had against the Republic of Chile, the Representative of France has informed this Department that, consistently with our well-known impartiality, his Government trusts that some similar arrangement can be concluded whereby Peru may be enabled to satisfy the claims of her French creditors, which would, at one and the same time, absolve Chile from any responsibility with regard to this indebtedness.

This Department, while in no manner desiring to express an opinion respecting the origin of the above-mentioned claims, being prompted solely by the desire to assist in delivering a neighboring and friendly nation from the financial difficulties which, at this present time, are hindering its development, believes that it would be possible to increase by four million silver "pesos," the amount of the indemnity which, according to Art. III of the Treaty of the 20th October, 1883, Peru would receive from Chile, in case the territory of Tacna and Arica be definitely incorporated and remain under our sovereignty and dominion; Peru to be at liberty to apply this sum in the manner she considers best towards the settlement of the matter to which the French Minister has referred.

You will bring this suggestion, in a confidential manner, to the attention of the Head of that Department, taking care to

inform him that its acceptance would imply the immediate cancellation of the indebtedness which the French uphold against the Peruvian Government, and, of course, the immediate transfer to Chile of the dominion and sovereignty of the aforesaid territories.

J. E. MACKENNA.

To Sr. BENICIO ALAMOS GONZALEZ,

E. E. and Minister Plenipotentiary of Chile to Peru.

Nº 59

Nota del Ministro de Relaciones Exteriores de Chile a su Ministro en Lima, abril 12 de 1890, ofreciendo aumentar la indemnización por Tacna y Arica si se cedían a Chile directamente.
(Circular del Ministerio de Relaciones Exteriores del Perú de 1901, pág. 78.)

CONFIDENCIAL Y RESERVADA.

REPUBLICA DE CHILE,
MINISTERIO DE RELACIONES EXTERIORES,
Santiago, 12 de abril de 1890.

Encontrándose ya el Perú, á virtud del protocolo suscrito en Santiago, el 8 de enero, por nuestro ministro de relaciones exteriores y por el enviado extraordinario y ministro plenipotenciario de ese país, en posesión de los recursos que han de permitirle cancelar los créditos de sus acreedores británicos, y completamente extinguidos, en consecuencia, los derechos que los referidos acreedores habían alegado contra la república de Chile, el representante de la Francia ha manifestado á este departamento que de nuestra equidad tradicional aguarda su gobierno la celebración de un arreglo análogo, por medio del cual sea también hacedera para el Perú la cancelación de los créditos de sus acreedores franceses, y para Chile la desaparición absoluta de toda gestión motivada por estos mismos acreedores.

El departamento, sin avanzar opinión de ninguna especie sobre la procedencia de los créditos mencionados y guiado únicamente del propósito de desembarazar á un país vecino y amigo de las dificultades financieras que hoy día entraban su progreso, considera que es posible elevar en cuatro millones de pesos plata la indemnización que, según el artículo 3º. del tratado de 20 de octubre de 1883, habrá el Perú de recibir de Chile, siempre que á nuestro dominio y soberanía quede definitivamente incorporado el territorio de Tacna y Arica, con el objeto de que el gobierno

del Perú disponga de esta suma, como lo crea conveniente, en la solución del negocio á que se ha referido el señor ministro de Francia.

US. pondrá este pensamiento, de una manera confidencial, en conocimiento del jefe de esa cancillería, y cuidará de indicarle que, mediante su realización, podrían quedar inmediatamente cancelados los créditos que los franceses sustentan contra el gobierno del Perú, pasando á Chile, desde luego, el dominio y la soberanía de los territorios indicatos.

Dios guarde á US.

J. E. MACKENNA.

Á don BENICIO ÁLAMOS GONZÁLEZ,

*Enviado Extraordinario y Ministro Plenipotenciario
de Chile en el Perú.*

No. 60

Refusal of the Peruvian Government, contained in a communication to its Legation in Santiago, dated May 1, 1890. (Circular of the Ministry of Foreign Affairs for 1901, p. 79.)

MINISTRY OF FOREIGN AFFAIRS,

Lima, May 1, 1890.

Sr. CARLOS M. ELIAS,

E. E. and Minister Plenipotentiary of Peru in Chile.

SIR: The Chilean Plenipotentiary in Peru has confidentially read to me a secret dispatch addressed to him, under date of the 12th ultimo, by Minister Mackenna, a copy of which, however, he did not consider himself at liberty to leave with me: I have, nevertheless, as is customary in such cases, made an abstract of it.

* * * * *

The Chilean Minister, after this exhaustive explanation, appeared to me to be completely convinced of the honorable and justifiable procedure of the Government, which he offered to transmit to the Minister of Foreign Affairs.

I take it, therefore, that this effectively defeats the latest Chilean attempt to secure from Peru the definite cession of the territory of Tacna and Arica; and, as it would not suit our convenience to encourage any discussion whatsoever on the subject, you will not make use of the contents of this dispatch except in case the Chilean Government should once more raise this issue, as displeasing and vexatious to Peru as it is scarcely friendly on the part of Chile.

MANUEL IRIGOYEN.

Nº 60

Contestación negativa del Gobierno del Perú contenida en una comunicación a su Legación en Santiago, del 1º de mayo de 1890. (Circular del Ministerio de RR. EE. de 1901, pág. 79.)

MINISTERIO DE RELACIONES EXTERIORES,

Lima, 1.º de mayo de 1890.

Señor don CARLOS M. ELIAS,

Enviado Extraordinario y Ministro Plenipotenciario

del Perú en Chile.

El plenipotenciario de Chile en el Perú me ha dado lectura, en

forma confidencial, de una nota reservada que, con fecha 12 del mes próximo pasado, le ha dirigido el señor ministro Mackenna, y de la que no se creyó autorizado á dejarme copia; pero saqué de ella un extracto, como es de práctica.

* * * * *

El señor ministro de Chile, después de esta larga exposición, me pareció completamente persuadido del recto y justificado proceder del gobierno, y me ofreció trasmitirla al jefe de su cancillería.

Con esto, doy por terminada la nueva tentativa de Chile para que el Perú le ceda definitivamente los territorios de Tacna y Arica; y así, no siendo conveniente que, por parte nuestra, se fomenté la menor discusión al respecto, US. no hará uso del contenido de esta nota, sino en el caso de que ese gobierno volviese á promover esta cuestión tan desagradable y enojosa para el Perú como poco amistosa por parte de Chile.

Dios guarde á US.

MANUEL IRIGOYEN.

No. 61

Note of the Minister of Foreign Affairs of Peru, Sr. Larrabure, dated August 10, 1892, inviting the Chilean Minister in Lima to undertake the negotiations for the special protocol to which Article III of the Treaty of Ancon refers. (Circular of the Ministry of Foreign Affairs of Peru for 1901, p. 163.)

No. 16.]

MINISTRY OF FOREIGN AFFAIRS,

Lima, August 10, 1892.

SIR: According to Article 3 of the Peace Treaty, concluded between Peru and Chile in 1883, the territory of the provinces of Tacna and Arica was to remain in possession of Chile and subject to Chilean laws and jurisdiction during the period of ten years, counted from the date of the ratification of the aforesaid treaty. Upon the expiration of this term, a plebiscite was to decide, by means of a popular vote, whether this territory should remain subject to the dominion and sovereignty of Chile, or whether it should continue to be a part of Peruvian territory. A special protocol would determine the manner in which the plebiscite should be held and the method and terms for the payment of the ten millions stipulated as the ransom of the two provinces.

The negotiators of the aforesaid treaty did not define the procedure for this protocol, and the time drawing near when the ten-year period, counted from the date of the ratification, which took place on March 28, 1884—will expire, the Peruvian Government considers it essential to concert as to the conditions of the above-mentioned protocol, to which end I would request Your Excellency to appoint the date when our conference may commence.

I reiterate to Your Excellency the assurances of my highest and most distinguished consideration.

E. LARRABURE Y UNANUE.

To His Excellency Sr. JAVIER VIAL SOLAR,
E. E. and Minister Plenipotentiary of Chile.

Nota del Ministro de Relaciones Exteriores del Perú, señor Larrabure, 10 de agosto de 1892, invitando al Ministro de Chile en Lima a negociar el protocolo especial a que se refiere el art. 3 del Tratado de Ancón. (Circular del Ministerio de Relaciones Exteriores del Perú de 1901, pág. 163.)

Nº 16.]

MINISTERIO DE RELACIONES EXTERIORES,

Lima, 10 de agosto de 1892.

Señor MINISTRO: Con arreglo al artículo III del Tratado de Paz, firmado entre el Perú y Chile el año de 1883, el territorio de las provincias de Tacna y Arica debería continuar poseído por Chile y sujeto á la legislación y autoridades chilenas durante el término de diez años, contados desde que se ratificara el referido tratado. Expirado este plazo, un plebiscito decidiría, en votación popular, si dicho territorio quedaría definitivamente del dominio y soberanía de Chile, ó si continuaría siendo parte del territorio peruano. Un protocolo especial establecería la forma en que el plebiscito deba tener lugar y los términos y plazos en que hayan de pagarse los diez millones estipulados por el rescate de ambas provincias.

Los negociadores de dicho tratado no ajustaron el protocolo, y encontrándose próxima la fecha en que expirará el plazo de los diez años, contados desde la ratificación realizada el 28 de marzo de 1884, el gobierno peruano considera indispensable proceder á la negociación del expresado protocolo, con cuyo objeto invito á V. E., esperando me indique el día en que nuestras conferencias podrán comenzar.

Reitero á V. E. las seguridades de mi más alta y distinguida consideración.

E. LARRABURE Y UNÁNUE.

Al excelentísimo señor don JAVIER VIAL SOLAR,

Enviado Extraordinario y Ministro Plenipotenciario de Chile.

No. 62

Reply of the Chilean Minister to the preceding communication, dated August 11, 1892, advising that he was transmitting the suggestion to his Government. (Circular already mentioned, 1901, p. 164.)

No. 16.]

LEGATION OF CHILE,
Lima, 11th of August, 1892.

SIR: I am in receipt of Your Excellency's note of even date, in which Your Excellency reminds me that no protocol whatever having as yet been concluded in respect to the manner in which the plebiscite shall be held, which is to decide upon the definite possession of the Departments of Tacna and Arica, the Peruvian Government considers it essential to proceed to negotiate the above-mentioned protocol, and invites me thereto, desiring me to appoint a date when our conferences may begin.

I have the pleasure to state, in reply, that I shall, at the earliest possible moment, bring the contents of the note to which I am replying to the attention of my government, to enable it to take Your Excellency's wishes into consideration.

I reiterate to Your Excellency the assurances of my highest and most distinguished consideration.

JAVIER VIAL SOLAR.

To His Excellency the MINISTER OF
FOREIGN AFFAIRS OF PERU.

Nº 62

Contestación del Ministro chileno a la anterior, 11 de agosto de 1892, avisando que transmitiría la idea a su Gobierno. (Citada circular de 1901, pág. 164.)

Nº 16.]

LEGACIÓN DE CHILE,
Lima, 11 de agosto de 1892.

SEÑOR MINISTRO: He recibido el oficio de V. E., de esta fecha; en el cual V. E. me hace presente que, no habiéndose todavía ajustado protocolo alguno sobre la forma en que debe verificarse el plebiscito que habrá de resolver sobre la posesión definitiva de los departamentos de Tacna y Arica, el gobierno peruano considera indispensable proceder á la negociación del expresado pro-

tocolo, y me invita á ello, esperando indique á V. E. el dia en que nuestras conferencias puedan comenzar.

En contestación, me es grato poder decir á V. E. que pondré á la mayor brevedad en conocimiento de mi gobierno el oficio que contesto, para que se sirva tomarlo en consideración según los deseos de V. E.

Ofrezco á V. E. las seguridades de mi más alta y distinguida consideración.

JAVIER VIAL SOLAR.

Al excelentísimo Señor MINISTRO

DE RELACIONES EXTERIORES DEL PERÚ.

No. 63

Communication from Minister Larrabure to the Chilean Minister Vial Solar, dated September 5, 1892, proposing a basis of agreement. (Circular already cited, 1901, p. 165.)

MINISTRY OF FOREIGN AFFAIRS,
Lima, September 5, 1892.

Mr. JAVIER VIAL SOLAR, *City.*

MY DEAR FRIEND: Recalling the ideas which, on several occasions, you have expressed regarding the relations between Chile and Peru, and having conferred with my Colleagues, I have drawn up the following bases of agreement which might be employed for a discussion with the Representative of Chile.

Will you kindly bring these to the attention of your Government?

I am,

Your very obedient servant,

E. LARRABURE Y UNANUE.

Bases of Agreement

Peruvian and Chilean products shall be imported free of duty through the ports of both countries, and in the centres of consumption shall pay no higher taxes than those which domestic products of the same kind are taxed.

Merchant vessels of both countries, in their respective ports, shall be granted the same privileges and exemptions as the vessels of either country's mercantile marine.

The Chilean Government shall evacuate the territory of the provinces of Tacna and Arica, which shall continue under the sovereignty and dominion of Peru.

The Government of Peru undertakes:

1. To grant the Republic of Bolivia a common Customs, where the Peruvian tariff shall be in force, in the port of Arica. The net revenue of this Customs House shall be distributed in the following manner: One third for Bolivia; the second to continue the payments for the reduction of the Chilean-Bolivian debt; and the remainder shall be applied by Peru to extinguishing the credits, originated by her external debt, duly stipulated according to the Treaty of Ancon.

2. To grant facilities for the construction of one or more railway

and telegraph lines, for the account of business concerns, which will connect the port of Arica or the city of Tacna with the territory of Tarapacá or the frontier of Bolivia, with no further obligation or condition than those required according to the respective Peruvian by-laws.

The Governments of Peru and Chile to denounce all commercial treaties which they may at present have in force, the stipulations of which, in the opinion of both parties, are in opposition to the present covenant.

They will, by common consent, invite the neighboring South American nations to negotiate special commercial treaties, based upon reciprocal compensations in free trade.

The customary diplomatic agreement, to which effect the Executives of both Republics are duly authorized by their respective Congresses, shall complement this covenant.

Nº 63

Carta del Ministro Larrabure al Ministro chileno Vial Solar, septiembre 5 de 1892, proponiendo bases de arreglo. (Citada circular de 1901, pág. 165.)

MINISTERIO DE RELACIONES EXTERIORES,

Lima, 5 de setiembre de 1892.

Señor don JAVIER VIAL SOLAR, *Presente.*

MI ESTIMADO AMIGO: Teniendo presentes las ideas que, en diversas ocasiones, usted me ha manifestado respecto de las relaciones de Chile y el Perú, he formulado las siguientes bases de arreglo, después de conferenciar con mis colegas, y que podrían servir para discutir con el representante de Chile.

Ruego á usted tenga á bien hacerlo conocer á su gobierno. Su más atento seguro servidor.

E. LARRABURE Y UNANUE.

Memorándum

Los productos del Perú y de Chile serán importados libres de derechos por los puertos de uno y otro país, y en los lugares de consumo no pagarán otros impuestos que los que afecten á los similares nacionales.

Los buques mercantes de ambos países gozarán, en los puertos de uno y otro, las mismas franquicias y exenciones que los buques nacionales.

El gobierno de Chile desocupa el territorio de las provincias de Tacna y Arica, las cuales continuarán bajo la soberanía y dominio del Perú.

Se obliga el gobierno del Perú:

1°. A conceder á la república de Bolivia una aduana común, en que regirán los aranceles peruanos, en el puerto de Arica. Las rentas líquidas de esa aduana se distribuirán de la manera siguiente: una tercera parte para Bolivia; la segunda para continuar cancelando la deuda chileno-boliviana; y la restante será aplicada por el Perú á la cancelación de los créditos provenientes de su deuda externa, legítimamente calificados, según el tratado de Ancón.

2°. A facilitar la construcción de uno ó más ferrocarriles y líneas telegráficas, por cuenta de empresas, que unan el puerto de Arica ó la ciudad de Tacna con el territorio de Tarapacá ó la frontera de Bolivia, sin más gravamen ni otras restricciones que las establecidas en los reglamentos respectivos del Perú.

Los gobiernos del Perú y de Chile denunciarán todos los tratados de comercio que tengan vigentes en la actualidad y cuyas estipulaciones, á juicio de ambos, sean opuestas al presente convenio.

Invitarán, de común acuerdo, á las naciones sudamericanas limítrofes á la celebración de tratados de comercio especiales, sobre la base de compensaciones mutuas en el libre cambio.

Un acuerdo diplomático reglamentario, para el cual quedan autorizados los poderes ejecutivos de ambas repúblicas, por sus respectivos congresos, servirá de complemento a este convenio.

No. 64

Reply from Sr. Vial Solar, April 8, 1893, rejecting the bases.
(Circular already cited, 1901, p. 167.)

No. 11.]

CHILEAN LEGATION,
Lima, April 8, 1893.

SIR: In reply to the verbal communication and enclosed Memorandum sent to me on the 5th of September of last year, by Sr. Larrabure y Unánue, at the time Minister of Foreign Affairs, my government instructs me to submit to Your Excellency the opinion it has formed with regard to the proposals embodied in the said documents.

My government congratulates itself inasmuch as no ground appears to have been lost in Peru with regard to the assurance that the industrial and commercial future of both Republics depends, in a great measure, upon the facilities granted and the encouragement furnished by the laws of both nations to the interchange of their principal products. Chile is the natural customer of Peru in the various branches of her consumption of articles of prime necessity, as is Peru of Chile in the same degree. It would be futile to endeavor to determine, with the narrow views of a trafficker, which of the two republics would be, today or within a few years, the gainer by a system of reciprocal commercial concessions.

The very importance and nature of this matter, in the opinion of my government, counsel that it be not dealt with outside its natural sphere of action, nor that it be complicated by inclusion with a subject so foreign thereto as is that which relates to the definite nationality of the Departments of Tacna and Arica.

My government will, therefore, always be happy to entertain any suggestion from Your Excellency tending to the initiating of negotiations for the establishment of a system of reciprocal commercial franchises and privileges, and it will take advantage of every favorable circumstance to undertake negotiations to that end with the worthy government of Your Excellency; but, at the same time, it believes that there is no reason which calls for the discussion of this matter in connection with the questions concerning the definite possession of the Departments of Tacna and Arica.

I must, however, inform Your Excellency in all good faith, that the intentions governing the policy of my government do not include relinquishing the expectations which the Treaty of Ancon secured to Chile, with respect to the possession of the already mentioned Departments.

While submitting this reply, I am happy to undertake the transmission of the specific request made by my government and to express to Your Excellency its thanks for the communication above-mentioned as well as its feelings of respect and friendship towards Your Excellency's government.

I take advantage of this occasion to tender to Your Excellency the expression of my most respectful and distinguished consideration.

JAVIER VIAL SOLAR.

To His Excellency Señor CESAREO CHACALTANA,
Minister of Foreign Affairs of Peru.

Nº 64

Contestación del Sr. Vial Solar, abril 8 de 1893, no aceptando las bases. (Citada circular de 1901, pág. 167.)

Núm. 11.]

LEGACIÓN DE CHILE,

Lima, 8 de abril de 1893.

Señor MINISTRO: En contestación á la comunicación verbal y memorándum adjunto que, con fecha 5 de setiembre del pasado año, me fué dirigida por el señor Larrabure y Unanue, entonces Ministro de Relaciones Exteriores, mi gobierno me encarga manifestar á V. E. la opinión que se ha formado sobre las proposiciones á que dichos documentos se refieren.

Se felicita mi gobierno de que no haya perdido terreno en el Perú la convicción de que el porvenir industrial y comercial de ambas repúblicas depende, en gran parte, de las facilidades y el estímulo que otorgue y preste la legislación de uno y otro país al cambio de sus principales productos. Chile es cliente natural del Perú en los diversos ramos de sus consumos de primera necesidad, como lo es el Perú de Chile en iguales términos. Sería ocioso entrar á investigar, con estrecho criterio de mercader, cuál de las dos repúblicas sería hoy ó dentro de algunos años la más favorecida por un sistema de concesiones comerciales recíprocas.

La misma importancia y naturaleza de esta materia aconsejan, á juicio de mi gobierno, el que ella no fuera tratada fuera de su

terreno natural, ni se la complique con un negocio de tan distinto carácter, cual es el que se relaciona con la nacionalidad definitiva de los departamentos de Tacna y Arica.

Mi gobierno, en consecuencia, aceptará siempre gustoso cualquiera indicación de V. E. que tenga por objeto entablar negociaciones para el establecimiento de un sistema de liberaciones y franquicias comerciales recíprocas, y aprovechará toda coyuntura favorable para iniciar, por su parte, gestiones en ese sentido ante el ilustrado gobierno del Perú; pero estima, al mismo tiempo, que no existe motivo que aconseje tratar este asunto en conexión con las cuestiones que se relacionan con la posesión definitiva de los departamentos de Tacna y Arica.

Obedeciendo á un sentimiento de lealtad, debo manifestar á V. E. que no entra en los propósitos de la política de mi gobierno el renunciar á las expectativas que aseguró á Chile el tratado de Ancón, en cuanto á la adquisición de los departamentos mencionados.

Al transmitir esta contestación, me es grato cumplir con el encargo expreso que mi gobierno hace, de manifestar á V. E. sus agradecimientos por la comunicación aludida y sus sentimientos de deferencia y amistad para con el gobierno de V. E.

Aprovecho esta oportunidad para reiterar á V. E. las seguridades de mi más respetuosa y distinguida consideración.

JAVIER VIAL SOLAR.

A S. E. el señor don CESÁREO CHACALTANA,
Ministro de Relaciones Exteriores del Perú.

No. 65

Note from the Minister of Foreign Affairs of Peru, dated April 4, 1893, inviting the Minister of Chile to negotiate the protocol which was to govern the plebiscite. (Circular already cited, 1901, p. 169.)

No. 9.]

MINISTRY OF FOREIGN AFFAIRS,
Lima, April 4, 1893.

SIR: The ten-year period provided for in Article III of the Treaty of Ancon being almost at an end, and the definite status of the provinces of Tacna and Arica in respect to their future nationality having to be decided by means of a plebiscite, my government considers it necessary to negotiate the special protocol to which the second part of the aforesaid article refers.

My government, imbued with the importance of this requisite, invited Your Excellency through the intermediary of one of my predecessors, on the 10th of August of last year, to negotiate the above-mentioned protocol. Your Excellency was good enough to reply, at the time, that this communication would be transmitted to the Chilean government so that it might be taken into consideration.

As I conclude that by this time Your Excellency is in receipt of the instructions on the subject with which the Chancery at Santiago may have considered it appropriate to furnish you, I have much pleasure to invite you once again to undertake the negotiations for the above-mentioned protocol, to which end I would request Your Excellency to appoint a date upon which we may initiate the necessary conferences.

I avail myself of this further opportunity to reiterate to Your Excellency the protestations of my highest and most distinguished consideration.

CESAREO CHACALTANA.

To His Excellency Señor JAVIER VIAL SOLAR,
E. E. and Minister Plenipotentiary of Chile.

Nota del Ministro de Relaciones Exteriores del Perú, abril 4 de 1893, invitando al Ministro de Chile a negociar el protocolo reglamentario del plebiscito. (Citada circular de 1901, pág. 169.)

Núm. 9.]

MINISTERIO DE RELACIONES EXTERIORES,

Lima, 4 de abril de 1893.

Señor MINISTRO: Estando próximo á expirar el plazo de diez años establecido en el artículo III del tratado de Ancón, y debiendo decidirse, por medio de un plebiscito, de la suerte definitiva de las provincias de Tacna y Arica, en orden á su futura nacionalidad, estima necesario mi gobierno proceder á la celebración del protocolo especial á que se refiere la segunda parte del artículo citado.

Inspirado mi gobierno en el sentimiento de esta necesidad, por el órgano de uno de mis antecesores, tuvo á bien invitar á V. E., con fecha 10 de agosto del año último, á la negociación del antedicho protocolo, y V. E. se sirvió contestar entonces, que pondría dicha comunicación en conocimiento del gobierno chileno, á fin de que fuese tomada en consideración.

Como supongo que, después del tiempo transcurrido, V. E. se encuentre munido de las instrucciones que sobre el particular haya tenido á bien impartirle la cancillería de Santiago, me es grato invitarlo nuevamente á la negociación del mencionado protocolo; y al efecto, V. E. se servirá indicarme el día en que podremos dar principio á las conferencias respectivas.

Aprovecho esta nueva oportunidad para reiterar á V. E. las protestas de mi más alta y distinguida consideración.

CESÁREO CHACALTANA.

Al Excmo. señor don JAVIER VIAL SOLAR,

Enviado Extraordinario y Ministro Plenipotenciario de Chile.

Minutes of the six conferences carried out between the negotiators, between April 18, 1893, and December 7, 1893. (Circular of 1901 already quoted, pp. 172 to 187.)

Page 172.]

FIRST CONFERENCE

There met this day at the Ministry of Foreign Relations, Sr. Cesareo Chacaltana, the Minister of Foreign Relations, and Sr. Javier Vial Solar, Envoy Extraordinary and Minister Plenipotentiary of Chile, for the purpose of initiating negotiations looking to the conclusion of the Protocol, referred to in the second part of Article III, of the Treaty of Peace and Friendship, signed on October 20, 1883, whereupon the following declarations were agreed to and set forth in the present minutes:

The Minister of Foreign Relations stated that the Peruvian Government, having taken into consideration the approaching date when, on the expiry of the term of occupation, the plebiscite, stipulated in the above-mentioned article, should take place; and considering, likewise, the necessity for the approval by the Congresses of both nations of the Protocol in question, believed that the present moment was an appropriate one for the discussion of the terms of this document, and had, therefore, invited the Minister of Chile for that purpose, an invitation which had been accepted.

The Minister of Chile replied that, as he had already had the honor of stating in his note dated the 8th instant, the Chilean Government had no objection to the negotiations being proceeded with.

Whereupon the Minister of Foreign Relations stated that there was an antecedent, in respect to which both Governments had expressed concrete opinions. While Mr. Larrabure y Unánue had been at the head of this Department, a proposal had been made confidentially to the Chilean Government through its Representative in Lima, the draft agreement of which contained the outlines for a Free Trade Covenant between both countries and contained the bases of accommodation for the return of the provinces of Tacna and Arica to Peru, under the conditions therein set forth and provided.

In a note recently sent to this Ministry by the Representative of Chile, the latter had stated that while his Government was willing and ready to conclude a commercial treaty with Peru, it did not consider it proper that a negotiation of this nature should be combined with one dealing with the final status of the afore-mentioned territories. On this subject, the Minister of Foreign Affairs thought it necessary to declare that, if the objections of the Chilean Government had been confined to this point, there certainly would have been no difficulty in considering the two propositions separately, undertaking two separate negotiations the results of which would, in turn, have been set forth in two distinct Protocols. The reply of the Chilean Minister, however, did not confine itself to the proposal of this division alone, but contained, in addition, the declaration that the Chilean Government did not intend to forego the expectations which, in its opinion, the Treaty of Peace furnished to Chile for the definite possession of Tacna and Arica, a declaration which implied, in the opinion of the Peruvian Government, the failure, for the time being, of the negotiation in question and the necessity for undertaking the discussion of the Protocol provided for in the already-mentioned Article III of the Treaty.

The Minister of Chile replied that, as the Minister of Foreign Affairs had fittingly observed, this negotiation must be considered, for the time being, as closed; the discussion being confined to the special Protocol for the regulation of the plebiscite, unless both parties agreed upon a different procedure; but that, while proceeding with this negotiation, he did not see why this should prevent the two governments, as had been suggested by Chile, from considering their commercial relations also, which are of such importance for the future of both countries and so greatly affect their progress and development.

The Minister of Foreign Affairs stated that the Peruvian Government did not lose sight of its intention, either, of initiating in due time commercial agreements with Chile, upon liberal conditions of mutual advantage; and was, to this end, assembling all necessary data and information so as to give practical and definite expression to this purpose.

Whereupon the Negotiators agreed to undertake the discussion of the conditions of the Protocol, which was the original object of this Conference.

CESÁREO CHACALTANA.
JAVIER VIAL SOLAR.

LIMA, *April 18, 1893.*

SECOND CONFERENCE

On this day there met at the Ministry of Foreign Affairs the Minister thereof, Sr. José Mariano Jimenez, and the Envoy Extraordinary and Minister Plenipotentiary of Chile, Sr. Javier Vial Solar, for the purpose of resuming the conferences which had been undertaken for the purpose for the conclusion of the Protocol which is to regulate the plebiscite referred to in Article III of the Peace Treaty.

The Minister of Foreign Affairs stated that the first article of the agreement should specify the authorities under whose control the plebiscite would be held, and as the Treaty stipulated that the present occupation by Chile was to last for a period of ten years, he proposed that at the end of this term, possession of the provinces in temporary occupation should revert to Peru, since this is vested in her by reason of her inherent sovereign rights.

The Minister of Chile expressed a contrary opinion, denying Peruvian sovereignty in the provinces in question, because, according to the views of his government, there was nothing in the Treaty which could be taken to imply that the territories should revert to Peru owing to the mere fact that the ten years had elapsed.

The Minister of Foreign Affairs replied that the proposal of the Chilean Minister was not in harmony with the letter of the Treaty, which limited the period of occupation to ten years, upon the expiration of which a plebiscite should be held; that is to say, when Chilean authorities shall no longer be in control of the aforesaid territories; that the Chilean authorities in question were defined in the Treaty as being mere occupiers; that Peru had not ceased to be the sovereign owner, both on account of that very circumstance (Chileans being occupiers) and because sovereignty can alone cease owing to a treaty of territorial cession, a characteristic which the Treaty of Ancon does not possess as far as this point is concerned.

The Chilean Minister replied that he was unable to agree to this interpretation, because the ten-year period solely referred to the date for holding the plebiscite, and to nothing else; that the occupation by Chile until the plebiscite should have provided a final decision and until the stipulations of the Treaty should have been fulfilled, was supposed to be understood in the article quoted by the Minister for Foreign Affairs; and, finally, that

the very nature of the Treaty implied a territorial cession, conditional upon the vote of the inhabitants.

After a lengthy debate, which brought no accord between the Plenipotentiaries in respect to their conflicting standpoints, it was agreed to leave a record thereof and to adjourn the conference.

JOSÉ MARIANO JIMÉNEZ,
JAVIER VIAL SOLAR.

LIMA, *June 19, 1893.*

Page 176.]

THIRD CONFERENCE

On this day there met at the Department of Foreign Affairs the Minister thereof and the Minister Plenipotentiary of Chile, Señores José Mariano Jimenez and Javier Vial Solar respectively, for the purpose of resuming the discussion respecting the manner in which the plebiscite, referred to in Article III of the Treaty of Ancon, should be held, it being agreed to leave the following on record:

The Minister for Foreign Affairs said that, as the Chilean Minister had declared that his Government would not deliver the territories of Tacna and Arica to Peru on the 28th of March, 1894, which was the date when the period of temporary occupation granted to Chile by Article III of the Treaty of Ancon came to an end, he proposed, as a compromise, that these territories should be handed over upon that date to a third Power, selected by common consent, under whose auspices the plebiscite could be held and which would immediately assign them either to Chile or to Peru, according to the result of the popular vote.

The Minister Plenipotentiary of Chile replied that the proposal suggested by the Minister of Foreign Affairs was, in the opinion of his government, not acceptable, owing to the reasons which upheld the right of Chile to occupy the territories in dispute before and after the plebiscite and until such a time as Peru should have fulfilled all the conditions which Article III of the Treaty of Ancon enjoined on her.

After a protracted debate on this subject, and no agreement having been reached, the conference was adjourned.

JOSÉ MARIANO JIMÉNEZ.
JAVIER VIAL SOLAR.

LIMA, *June 30, 1893.*

FOURTH CONFERENCE

On this day there met, at the Department of Foreign Affairs, the Minister thereof, Sr. José Mariano Jimenez, and the E. E. and Minister Plenipotentiary of Chile, Sr. Javier Vial Solar, whereupon the former stated that, in the several conferences carried on with the Minister Plenipotentiary of Chile for the purpose of reaching an agreement as to the conditions for the Protocol which is to regulate the plebiscite of Tacna and Arica, he had endeavored to convince the latter of the fact that the right to vote should belong only to those Peruvian citizens born and domiciled in the territories in occupation by Chile; that, in respect to the age of such Peruvians, although he had good reason to maintain that, at eighteen, a man was responsible for his actions, and that, therefore, he should not be denied the right to choose either Peruvian or Chilean nationality, as the case might be, yet it might be more advisable to grant that right only to men twenty-one years of age and over, which was the legal age, as required by Peruvian law, for the exercise of the rights of citizenship; that since the Chilean Minister did not agree with these views, and as the Minister for Foreign Affairs considered it useless to proceed with the negotiation, unless some agreement was reached relative to which authorities were to be in control of the territories during the plebiscite, he proposed today that if the Minister of Chile would agree to leave on record the statements, made previously, in rebuttal of the proposals suggested with regard to the voting conditions, he could then make such further declarations as his duty prompted and as the tenor of his instructions warranted.

The Minister of Chile replied that during the continual exchange of views, tending to secure some agreement in respect to the conditions of the Protocol for the plebiscite, the Minister of Foreign Affairs had indeed made the declarations which have just been recorded, while the speaker had maintained that Chile could not accept but a part thereof; since he considered that all the inhabitants of a territory owned by Chile had the right to declare their intentions of belonging either to Peru or to Chile; that, in his opinion, there were no convincing reasons why this right should be denied to aliens of any nationality and still less so where Chileans were concerned, who could not very well be termed aliens in the territories of Tacna and Arica; that these views of the Chilean Government were in harmony with the precedents of international law and practice, and could not but

apply in the present instance when dealing with a territory such as Tacna and Arica, where, on the one hand, controlling interests were held by Chileans and on the other, the very nature of Chilean possession logically required that Chilean residents should be considered as citizens; that these views had already been expressed on several occasions to some of the predecessors of the present Minister of Foreign Affairs by the Chilean Representative, as the faithful expression of the Chilean Government's position on this point, whenever its discussion had been taken up; that he did not believe that a refusal to proceed with the negotiation could be based on the fact that Chile cannot agree to the Peruvian condition, to the effect that Chilean authorities shall not be in control of the territories during the plebiscite.

The Minister of Foreign Affairs replied that he did not consider the historical and international precedents, alluded to by the Minister of Chile, as being applicable in the present case, because the Treaty of Ancon expressly provides that the future allegiance of the territories shall be determined by a popular vote, and this popular vote can refer to none but Peruvian citizens, a status which the other inhabitants do not possess.

The Minister of Chile replied that the Treaty of Ancon specifically mentioned a popular plebiscitary vote, which is tantamount to declaring that international precedents concerning this species of votes are in order, which would dispose of the assumption of the Minister of Foreign Affairs.

As a consequence of the above, a further and lengthy debate was begun, and as each side maintained its extreme views, it was agreed to leave a record thereof in the present protocol, both Negotiators having the right to embody in a Memorandum the reasons for their respective stands.

JOSE MARIANO JIMÉNEZ.
JAVIER VIAL SOLAR.

LIMA, *September 16, 1893.*

Page 179.]

No. 19.]

MINISTRY OF FOREIGN AFFAIRS,
Lima, August 19, 1893.

SIR: The Peruvian Government, being desirous of arriving at an agreement in respect to the conditions of the Protocol which is to regulate the plebiscite, for the determination of the definite ownership of the Provinces of Tacna and Arica, and as such an agreement has, as yet, not been secured, owing to the different

interpretation given by both sides to Article III of the Treaty of Peace of 1883, I have the pleasure to enclose herewith a Memorandum, whose contents, in my opinion, meet the requirements formulated during our previous conference, and provide for the carrying out of the existing covenant between both countries.

I would request Your Excellency to be so good as to communicate this Memorandum to the Chilean Government for an expression of its opinion as to whether a final settlement would be possible upon these conditions.

With the assurances of my high consideration, I remain,

Your Excellency's obedient servant,

JOSE MARIANO JIMÉNEZ.

To His Excellency JAVIER VIAL SOLAR,

E. E. and Minister Plenipotentiary of Chile.

Page No. 180.]

Memorandum

No agreement having been reached between the Plenipotentiaries of Peru and Chile as to which of these two governments is entitled to occupy the territories of Tacna and Arica during the course of the plebiscite, referred to in Article III of the Treaty of Ancon, it is hereby agreed that Peru shall possess that portion comprised by the Sama river and the Vitor ravine, while Chile shall continue in occupation of the portion comprised between the last-named ravine and that of Camarones.

On the 28th of March, 1894, Peru shall be given possession of that portion of the territory to which she is entitled, and during the thirty days following, each country shall, within its respective zone, promulgate the appropriate regulations governing the method of voting and have the privilege of determining the personal qualifications of the voters. The plebiscite to be held before October 1, 1894.

Should the vote be favorable to Peru in both portions of the territory, she shall pay to Chile the indemnity covenanted in the Treaty, in the following manner:

The raw and manufactured produce of Chile and the containers thereof, shall be admitted through the Customs of Peru free of import duties for a period of twenty-five years; nor shall this produce be liable to assessment of excise duties, within the territory of the latter nation, at a higher rate than that which is at present operative for similar domestic commodities.

Should the plebiscite be favorable to Peru only within that

portion between the Sama and Vitor, proportional compensation shall be granted in the same manner, the period of free customs entry, however, being restricted to twenty years.

LIMA, *August 19, 1893.*

Page 182.]

No. 26.]

CHILEAN LEGATION,
Lima, September 26, 1893.

SIR: I have the honor to inform Your Excellency of the reply received from my government relative to the propositions contained in the Memorandum dated the 19th of August of the present year, which, at Your Excellency's request, I had the pleasure to bring to the attention of the Ministry of Foreign Affairs of Chile.

My government has, with sincere gratification, taken note of the contents of this Memorandum, viewing it as a proof of the praiseworthy spirit of cordiality which, on this occasion, has animated the Peruvian Government; and in this understanding, has given to its several and complex provisions all that attention which its character and the importance of its scope demand.

As a result of this examination my government considers that, while it cannot be doubted that some of the general views contained in the above-mentioned Memorandum could be used as a basis for the negotiation of a settlement which, in a firm and abiding manner, would take the mutual interests of both countries into consideration, on the other hand, some of its concrete proposals, which lose sight of this equitable reciprocity, would be awkward as to their practical application and, indeed, might even give rise to difficulties which, in a negotiation such as this, must always be foreseen.

Due to these considerations, and while not absolutely rejecting the proposition which Your Excellency, through the intermediary of the undersigned, has been good enough to communicate, my government trusts that the spirit of cordiality, which has always been and ever will be the guiding principle of its conduct, and which, in this special incident of the negotiation, has likewise animated the Peruvian Government, will soon give birth to an agreement, equitable and advantageous to both countries.

I reiterate to Your Excellency the assurances of my high consideration.

JAVIER VIAL SOLAR.

To His Excellency Dr. JOSÉ MARIANO JIMÉNEZ,
Minister of Foreign Affairs.

FIFTH CONFERENCE

On this date were assembled in the Department of Foreign Affairs, the Minister thereof, Sr. José Mariano Jiménez, and the Envoy Extraordinary and Minister Plenipotentiary of Chile, Sr. Javier Vial Solar, for the purpose of resuming the negotiations concerning the protocol relative to the plebiscite of Tacna and Arica, to which the Treaty of Ancon refers. The Minister of Chile stated that, as he had declared in his dispatch of the 26th of September last, while it is undoubted that his government had looked upon the propositions of the Peruvian Government, contained in the Memorandum of the 19th of August of the present year, as a proof that that Government was desirous of reciprocating the friendly disposition of the Chilean Government in this negotiation, nevertheless, these propositions did not entirely take into consideration the due reciprocity of the rights of both countries, as stipulated in the Treaty of Ancon; that the Peruvian Government, whose reasons were derived neither from the letter nor an equitable interpretation of those stipulations, demanded in the Memorandum the evacuation of the zone included between the Sama River and the Vitor Gap, that is, of almost the entire province of Arica and that of Tacna, an evacuation which the Chilean Government could by no means assent to except as a consequence of an unfavorable result of the plebiscite and the fulfilment of the obligations contained in the treaty; that the commercial advantages offered by Peru—which might be useful, more as a mercantile bond of union founded upon the reciprocal interests of both nations, for the strengthening and drawing closer of their friendly relations, than as the source of pecuniary advantage—could not displace other considerations dealing with the tenure, recognized and sanctioned by the Treaty of Ancon; that these same privileges which, while they would enable Peru to easily pay, with no great positive sacrifices, the sum of several millions, a payment which, in any other form, would seriously affect her financially, did not, on the other hand, possess for Chile an equal importance; that the ability claimed by the Peruvian Government in its Memorandum, to decide upon, without consulting Chile, the regulations which would establish the conditions for the exercise of the right to vote in the zone between Sama and Vitor, would assure the practical reincorporation with Peru of the territories in dispute, to the detriment of the lawful expectations of Chile on this point; that due to these reasons,

which explained his already referred-to note of September last, he believed that the Memorandum in question could not be considered as a basis for negotiations, since it was impossible for such to be successful upon the prerequisite of an evacuation.

The Minister of Foreign Affairs declared that he had proposed, in the Memorandum, the evacuation of the zone included between the Sama River and the Vitor Gap as being derived from the letter and spirit of the Treaty of Ancon and for reasons he had expressed in the Protocol of the second conference; that since it was impossible, as stated by the Minister of Chile, for the commercial advantages offered by Peru to offset the considerations which obliged Chile to retain possession of the territories until such a time as the plebiscite should go against her, it was evident that the referred-to proposal could not be maintained; that the same inference could be drawn from the statement made by the Minister of Chile to the effect that, in the Memorandum, the Peruvian Government should reserve to itself the right to frame the regulations establishing the conditions for the exercise of the right to vote in the zone comprised between the Sama and Vitor, a right which, in the opinion of the above-mentioned Minister, would assure the reincorporation with Peru of the territories, to the detriment of the lawful expectations of Chile; that with respect to this he wished to declare that this recognition of the right to establish the regulations for the voters was also granted to Chile, in the Memorandum, as regards the zone between Vitor and Camarones; that in any event, Peru would have acted in accordance with the stipulations of the treaty, with the commonly accepted juridical principles and other similar precedents. The Minister of Foreign Affairs concluded by declaring that in view of the statement of the Chilean Minister, that it was impossible for the negotiation to progress upon the prerequisite of an evacuation, he, likewise, considered it as being at an end.

The Minister of Chile said that, before adjourning the conference, he wished to state that he had no objection towards continuing the discussion whenever the Minister of Foreign Affairs would invite him thereto, since his government believed that it would be possible to reach an agreement without the necessity for effecting any change in the present condition of those territories.

JOSE MARIANO JIMÉNEZ.
JAVIER VIAL SOLAR.

LIMA, *November 10, 1893.*

SIXTH CONFERENCE

On this date there met at the Ministry of Foreign Affairs, the Minister thereof, Sr. José Mariano Jimenez, and the Envoy Extraordinary and Minister Plenipotentiary of Chile, Sr. Javier Vial Solar, upon the invitation of the former, for the purpose of resuming the conferences for the conclusion of the protocol relative to the plebiscite to be held in the territories of Tacna and Arica.

The Minister for Foreign Affairs said that no agreement having been reached in respect to the interpretation to be given to Article III of the Treaty of Ancon, and the Minister of Chile, not having accepted the suggestion for overcoming the present difficulties, he proposed that the following questions be submitted to the immediate decision of a friendly government: First: Which of the two governments has the right to the possession of the territories after March 28, 1894? and, Second: does the right to vote belong only to those persons whose nationality might be affected as a result of the final incorporation with Chile, or does it extend to the other inhabitants also? The Minister of Foreign Affairs added that, according to the verdict of the arbitrator, the regulations for the registration of the voters and the other details of the plebiscite, could be adjusted, as well as those points dealing with the terms and instalments for the payment of the indemnity by the country which would be the gainer.

The Minister of Chile said that, even though he had no instructions from his government to either accept or reject the arbitration which was proposed by the Minister of Foreign Affairs, nevertheless, acting upon such general instructions as had been given him, he declared that this means of settlement was unacceptable, since in order that it might so be, it would be necessary to suppose that possession of the territories of Tacna and Arica, which Chile now enjoys by virtue of the provisions of the Treaty of Ancon, was a debatable issue or that her title thereto was doubtful, which could not for a single moment be admitted, as he had had the honor of declaring on repeated occasions to the Minister of Foreign Affairs. The Chilean Minister added that he regretted that the Peruvian Government should insist upon a line of argument which made any agreement between the two countries impossible.

The Minister of Foreign Affairs replied that the views which had been submitted both by himself and by his predecessors in

office, in respect to this matter, were founded, in the opinion of the Peruvian government, upon the letter of the Treaty of Ancon, and upon the very legitimate expectations that the plebiscite should be held under such appropriate conditions as would cause the outcome to express the free and untrammelled intentions of the people of Tacna and Arica.

The Minister of Chile replied that he considered this demand to be very praiseworthy, but that he did not think that the proper course to be followed in order to secure this result was that which had just been suggested by the Minister of Foreign Affairs, for the Peruvian Government should be convinced of the honesty and loyalty of Chile; an honesty and a loyalty of which he had no objection to giving a further proof by agreeing to such guarantees as would be mutually considered adequate for the free and untrammelled voting for the plebiscite.

The Minister of Foreign Affairs asked the Minister of Chile whether he was empowered to include among these guarantees that Peruvian officials should likewise intervene in the process of the plebiscite and determine the qualifications which the voters would have to possess.

The Minister of Chile replied that if the Minister of Foreign Affairs directed the negotiations in this sense and would submit some concrete proposal, he thought it would be an easy matter to reach an agreement acceptable to both countries.

JOSÉ MARIANO JIMÉNEZ.
JAVIER VIAL SOLAR.

LIMA, *December 7, 1893.*

Nº 66

Protocolos de las 6 conferencias habidas entre el 18 de abril de 1893 y el 7 de diciembre del mismo año. (Citada circular de 1901, págs. 172 a 187.)

PRIMERA CONFERENCIA

Reunidos, en el ministerio de relaciones exteriores, el señor don Cesáreo Chacaltana, ministro del ramo, y el señor don Javier Vial Solar, enviado extraordinario y ministro plenipotenciario de Chile, con el objeto de iniciar las negociaciones conducentes á la celebración del protocolo á que se refiere la segunda parte del artículo III del tratado de paz y amistad suscrito en 20 de octubre de 1883, acordaron dejar constancia en la presente acta de las declaraciones que á continuación se expresan:

El señor ministro de relaciones exteriores manifestó que, considerando el gobierno peruano la proximidad de la expiración del plazo vencido el cual debe realizarse el plebiscito de que trata el citado artículo, y la necesidad de que el protocolo respectivo fuese aprobado por los congresos de ambas repúblicas, estimaba oportuno proceder á su discusión, y que, con este objeto, el ministerio había invitado al señor ministro de Chile, quien se había servido contestar accediendo.

El señor ministro de Chile dijo que, en efecto, como había tenido ya el honor de manifestarlo en la nota de fecha 8 del corriente, el gobierno de Chile no tenía inconveniente para que se procediese á la negociación.

En seguida, el señor ministro de relaciones exteriores expresó que existía un antecedente respecto del cual se habían manifestado opiniones concretas por parte de ambos gobiernos. Estando al frente de este despacho el señor Larrabure y Unanue, se había propuesto al gobierno de Chile, en forma confidencial y por intermedio de su representante en Lima, un proyecto de acuerdo que contenía algunas bases para un tratado de libre cambio comercial entre ambos países, y para la devolución al Perú de las provincias de Tacna y Arica, bajo las condiciones en él indicadas.

En nota recientemente dirigida á este ministerio por el señor representante de Chile, había éste manifestado que, si bien su gobierno estaba dispuesto á celebrar un tratado comercial con el Perú, no creía conveniente que una gestión de esta naturaleza se complicase con la referente á la definitiva nacionalidad de los mencionados territorios. Con este motivo, el señor ministro de relaciones exteriores consideraba necesario manifestar que, si á esto se hubieran limitado las observaciones del gobierno de Chile, no habría ciertamente obstáculo para separar los dos asuntos, haciéndose dos negociaciones distintas, cuyos resultados quedasen, á su vez, consignados en protocolos diversos. Pero la respuesta del señor ministro de Chile no se limitaba á proponer esta separación, sino que expresaba, además, que el gobierno de Chile no pensaba renunciar á las expectativas que, en su concepto, ofreció á Chile el tratado de paz, en orden á la adquisición de Tacna y Arica, declaración que significaba, á juicio del gobierno del Perú, considerar la negociación de que se trata como concluída, por ahora, para dar lugar a la discusión del protocolo preceptuado en el ya recordado artículo III del tratado.

El señor ministro de Chile contestó que, como bien acababa de exponerlo el señor ministro de relaciones exteriores, tal nego-

ciación debía considerarse terminada, por ahora, y concretarse la discusión al protocolo especial del plebiscito, si por ambas partes no se aceptaba otro procedimiento; pero que, aun entrando en esa negociación, no creía que ella fuera un obstáculo para que ambos gobiernos, como lo había insinuado el de Chile, se ocuparan también de sus relaciones comerciales, que tanto interesan al porvenir de uno y otro país y tanto podrían influir en su progreso y engrandecimiento.

El señor ministro de relaciones exteriores manifestó que el gobierno peruano no desistía tampoco del propósito de promover, en su oportunidad, acuerdos comerciales con Chile, sobre bases liberales y de recíprocas conveniencias; y que, al efecto, reunía los datos é informaciones encaminadas á dicho objeto, para darles formas concretas y definidas.

Después de lo expuesto, convinieron los negociadores en proceder á discutir las bases del protocolo que ha originado esta conferencia.

CESAREO CHACALTANA.

JAVIER VIAL SOLAR.

LIMA, 18 de abril de 1893.

SEGUNDA CONFERENCIA

En el ministerio de relaciones exteriores, se reunieron el día de la fecha el ministro del ramo, don José Mariano Jiménez, y el enviado extraordinario y ministro plenipotenciario de Chile, don Javier Vial Solar, con el objeto de proseguir las conferencias iniciadas para la celebración del protocolo á que se sujetará el plebiscito de que trata el artículo III del tratado de paz.

El ministro de relaciones exteriores manifestó, que el primer artículo del convenio debía determinar la autoridad bajo cuyo imperio ha de realizarse el plebiscito, y que, estando pactado que la ocupación actual de Chile durase diez años, proponía que, á la expiración de tal plazo, se devolviera al Perú la posesión de las provincias temporalmente ocupadas, por corresponderle en razón de los derechos anexos á su condición de soberano directo.

El ministro de Chile formuló la proposición contraria, desconociendo la soberanía del Perú, en las provincias referidas, y por cuanto, á juicio de su gobierno, no se desprendía del tratado, en manera alguna, que dichos territorios deban volver á la posesión del Perú por el mero hecho de trascurrir los diez años.

Replicó el ministro de relaciones exteriores que la propuesta

del ministro de Chile no estaba arreglada á la letra del tratado, el cual limita el plazo de la ocupación á diez años, transcurridos los cuales se realizaría el plebiscito, esto es, cuando no imperen en los territorios enunciados las autoridades chilenas; que éstas en el tratado eran calificadas de simples poseedores; que el Perú no ha dejado de ser el soberano, tanto por esa circunstancia como porque la soberanía solamente se pierde por un tratado de cesión territorial, carácter que no tiene el de Ancón en esta parte.

Repuso el ministro de Chile que no podía aceptar esta interpretación, puesto que la fecha de los diez años, se refería únicamente á la época del plebiscito y nada más; que la ocupación de Chile hasta que dicho acto resolviese definitivamente y se cumpliesen las obligaciones del tratado, se sobreentendía en el artículo alegado por el ministro de relaciones exteriores; y que, por fin, la naturaleza misma de dicho convenio importaba una cesión territorial sujeta á la condición del voto de los habitantes.

Después de una extensa discusión y no habiendo acuerdo entre los plenipotenciarios sobre sus propuestas contradictorias, se convino en dejar constancia de ellas, suspendiendo la conferencia.

JOSÉ MARIANO JIMÉNEZ.

JAVIER VIAL SOLAR.

LIMA, 19 de junio de 1893.

TERCERA CONFERENCIA

Reunidos, en el ministerio de relaciones exteriores, el ministro del ramo, don José Mariano Jiménez, y el ministro plenipotenciario de Chile, don Javier Vial Solar, para continuar tratando de la forma en que habrá de verificarse del plebiscito á que se refiere el artículo tercero del tratado de Ancón, acordaron dejar constancia de lo siguiente:

El ministro de relaciones exteriores dijo que, habiendo manifestado el señor ministro de Chile que el gobierno de su país no entregaría al del Perú los territorios de Tacna y Arica el día 28 de marzo del año 1894, en cuya fecha espiraba el plazo de la posesión provisoria concedida á aquel país por la cláusula tercera del tratado de Ancón, proponía, por vía de transacción, que los dichos territorios fueran entregados, en la expresada fecha, á una tercera potencia, designada de común acuerdo, bajo cuyos auspicios se verificaría el plebiscito, y la cual haría en seguida la devolución de ellos á Chile ó al Perú, según fuere el resultado de la votación popular.

El ministro plenipotenciario de Chile contestó que la proposición del señor ministro de relaciones exteriores era, á juicio de su gobierno, inaceptable, en vista de las razones que abonaban el derecho de Chile para ocupar los territorios disputados antes y después del plebiscito y hasta que el Perú diera cumplimiento á todas las obligaciones que la cláusula tercera del tratado de Ancón le imponía.

Después de una larga discusión sobre la materia, y no habiéndose llegado á ningún acuerdo, se suspendió la conferencia.

JOSÉ MARIANO JIMÉNEZ.

JAVIER VIAL SOLAR.

LIMA, *junio 30 de 1893.*

CUARTA CONFERENCIA

Reunidos en el despacho de relaciones exteriores, el ministro del ramo, don José Mariano Jiménez, y el enviado extraordinario y ministro plenipotenciario de Chile, don Javier Vial Solar, el primero expuso que, en las diversas conferencias tenidas con el señor ministro plenipotenciario de Chile para acordar las bases del protocolo que debiera servir para el plebiscito de Tacna y Arica, había procurado convencer al segundo de que el derecho de sufragio no correspondía sino á los peruanos nacidos y domiciliados en los territorios ocupados por Chile; que, en cuanto á la edad de los peruanos, aún cuando tenía razones para sostener que desde los dieciocho años podía el hombre ser responsable de sus acciones y, en consecuencia, que no debería negárseles el derecho de designar la nacionalidad peruana ó chilena por la cual quisieran optar, convenía en establecer ese derecho para los mayores de 21 años, edad requerida por las leyes del Perú para ejercer la ciudadanía; que no habiendo aceptado el señor ministro de Chile estas ideas, ni querido el ministro de relaciones exteriores continuar la negociación, si no se llegaba á un acuerdo respecto á la autoridad que debía regir los territorios durante el plebiscito, proponía hoy que si el señor ministro de Chile no tenía inconveniente para dejar constancia de las declaraciones hechas anteriormente, contrarias á las proposiciones que se indican referentes á los requisitos para la votación, podía de nuevo exponer lo que creyera de su deber y conforme á sus instrucciones.

El ministro de Chile expuso que, en efecto, en el constante cambio de ideas para llegar á acordar las bases del protocolo para

el plebiscito, el señor ministro de relaciones exteriores había manifestado los conceptos que se acababan de expresar, como á su vez había el que habla sostenido que Chile no podía aceptarlos sino en parte: pues consideraba que todos los habitantes en territorio poseído por Chile tenían derecho á declarar su voluntad de pertenecer ó al Perú ó á Chile; que no había, en su concepto, razones bastantes para pretender restringir el reconocimiento de ese derecho en los extranjeros de todas las nacionalidades, y menos aún en los chilenos, que no pueden ser considerados como extranjeros en el territorio de Tacna y Arica; que estas ideas del gobierno de Chile estaban conformes con los antecedentes del derecho y de la práctica internacional, y no podían menos de ser aplicables en el caso presente, tratándose de un territorio como el de Tacna y Arica, en el que, por una parte, los intereses están en manos de los chilenos, y en que, por otra parte, la misma naturaleza de la posesión de Chile hace que deban ser lógicamente considerados como ciudadanos los chilenos allí establecidos; que estas ideas también habían sido ya, en diversas ocasiones, manifestadas por el representante de Chile á algunos de los antecesores del actual señor ministro de relaciones exteriores, como la expresión del pensamiento del gobierno chileno en este punto, siempre que la discusión de esta materia había sido provocada; que tampoco creía que pudiera fundarse la negativa para seguir tratando, en el hecho de que Chile no puede consentir en las proposiciones del Perú, relativas á que no sean las autoridades chilenas las que rijan los territorios durante el plebiscito.

El ministro de relaciones exteriores replicó que no consideraba aplicables al presente caso los antecedentes internacionales históricos á que aludía el señor ministro de Chile, porque en el tratado de Ancón expresamente se determina que, en votación popular, se resolverá sobre la futura nacionalidad de los territorios, y esa votación popular no puede referirse sino á los ciudadanos peruanos, de cuya calidad carecen los demás habitantes.

El ministro de Chile contestó que precisamente el tratado de Ancón hablaba de votación popular plebiscitaria, lo que equivale á decir, que le son aplicables los antecedentes internacionales de esta clase de votaciones, con lo cual quedaba refutada la observación del señor ministro de relaciones exteriores.

Con este motivo, se renovó una extensa discusión, y manteniendo cada parte sus opiniones extremas, convinieron en dejar constancia de ellas en el presente protocolo, sin perjuicio de que cada

uno de los negociadores formulase en un memorándum los fundamentos de sus respectivas propuestas.

JOSÉ MARIANO JIMÉNEZ.

JAVIER VIAL SOLAR.

LIMA, 16 de setiembre de 1893.

Núm. 19.]

MINISTERIO DE RELACIONES EXTERIORES,

Lima, 19 de agosto de 1893.

Señor MINISTRO: Deseoso el gobierno peruano de llegar á un avenimiento respecto de las bases del protocolo que debe reglamentar el plebiscito llamado á decidir sobre la posesión definitiva de las provincias de Tacna y Arica, y no habiéndose conseguido hasta ahora dicho acuerdo, por la distinta inteligencia que ambas partes dan al artículo 3º. del tratado de paz de 1883, me es grato remitir á V. E. el memorándum adjunto, cuyas proposiciones concilian, á mi juicio, las exigencias formuladas en nuestras anteriores conferencias y preven el cumplimiento de las estipulaciones vigentes entre ambos países.

Ruego á V. E. que, si lo estima conveniente, comunique dicho memorándum al gobierno de Chile, para que se sirva expresar si sobre dichas bases se podría ajustar un arreglo definitivo.

Con sentimientos de alta consideración, me suscribo de V. E. atento y seguro servidor.

JOSÉ MARIANO JIMÉNEZ.

Al Excmo. señor don JAVIER VIAL SOLAR,

Enviado Extraordinario y Ministro Plenipotenciario de Chile.

Memorándum

No habiendo acuerdo entre los plenipotenciarios del Perú y de Chile sobre cuál de estos gobiernos tiene derecho á ocupar los territorios de Tacna y Arica durante el plebiscito de que trata el artículo III del Tratado de Ancón, se conviene en que el Perú poseerá la zona comprendida entre el río de Sama y la quebrada de Vitor, y que Chile continuará en la tenencia de la zona entre esta última quebrada y la de Camarones.

El 28 de marzo de 1894 se entregará al Perú la parte de territorio que le corresponde, y dentro de los treinta días subsiguientes cada país dictará el reglamento de procedimiento para la votación en su zona respectiva, quedando en libertad de señalar los requisitos personales de los votantes. El plebiscito se realizará antes del 1º. de octubre de 1894.

Si el voto fuese favorable al Perú en ambas secciones, abonará á Chile la indemnización pactada en el Tratado en la siguiente forma:

Los productos naturales y manufacturados de Chile y sus respectivos envases se introducirán libres de derechos de importación por las aduanas del Perú durante veinticinco años, y no pagarán en el territorio de este último país otros impuestos de consumo que los actualmente establecidos para los similares nacionales.

Si el plebiscito fuese favorable al Perú sólo en la zona del Sama al Vitor, se compensará del mismo modo la indemnización proporcional; pero reduciendo el término de la liberación á veinte años.

LIMA, 19 de agosto de 1893.

Núm. 26.]

LEGACIÓN DE CHILE,
Lima, 26 de setiembre de 1893.

Señor MINISTRO: Tengo la honra de comunicar á V. E. la contestación de mi gobierno á las proposiciones contenidas en el memorándum de fecha 19 de agosto del corriente año, y que, por indicación de V. E., me fué grato elevar al conocimiento del ministerio de relaciones exteriores de Chile.

Mi gobierno se ha impuesto con verdadera complacencia del contenido de dicho memorándum al considerarlo como una manifestación del laudable espíritu de cordialidad que ha animado en esta ocasión al gobierno del Perú; y apreciándolo así, ha querido consagrar al estudio de sus diversas y complejas disposiciones toda aquella atención que su naturaleza é importante alcance requerían.

Después de este examen, mi gobierno piensa que, si bien es verdad que algunas de las ideas generales expresadas en el memorándum recordado podrían servir de base para la discusión de un arreglo que consultara, de una manera sólida y permanente, las conveniencias recíprocas de ambos países; en cambio, algunas de sus disposiciones concretas, sin consultar esa justa reciprocidad, serían de difícil aplicación en la práctica, y origen, talvez, de dificultades, que deben siempre preverse en una negociación como esta.

Por estas consideraciones, y sin desestimar en absoluto las proposiciones que V. E., por intermedio del infrascrito, ha querido comunicarle, mi gobierno confía en que ese espíritu de cordialidad, que fué y será siempre la norma de sus procedimientos, y que ha inspirado al gobierno del Perú, en este incidente de la negocia-

ción, habrá de traducirse pronto en un acuerdo equitativo y conveniente para ambos países.

Reitero á V. E. las seguridades de mi alta consideración.

JAVIER VIAL SOLAR.

Excelentísimo señor ministro de relaciones exteriores,
doctor don JOSÉ MARIANO JIMÉNEZ.

QUINTA CONFERENCIA

Reunidos en este departamento el ministro del ramo, don José Mariano Jiménez, y el enviado extraordinario y ministro plenipotenciario de Chile, don Javier Vial Solar, con el objeto de proseguir las negociaciones sobre el protocolo del plebiscito relativo á Tacna y Arica, á que se refiere el Tratado de Ancón; el ministro de Chile manifestó que, como lo tenía dicho en su oficio de 26 de setiembre último, si bien es verdad que su gobierno había estimado las proposiciones de la cancillería peruana, contenidas en el memorándum de 19 de agosto del corriente año, como una prueba de que el gobierno del Perú deseaba corresponder á los amistosos sentimientos del de Chile en esta negociación; sin embargo, esas proposiciones no consultaban, en todas sus partes, la reciprocidad de los derechos de ambos países sobre la base del Tratado de Ancón; que el gobierno del Perú, sin razones deducidas de la letra é interpretación justa de esas estipulaciones, exigía en el memorándum la desocupación de la zona comprendida entre el río de Sama y la quebrada de Vitor, ó sea, de la casi totalidad de la provincia de Arica y de la provincia de Tacna, desocupación que el gobierno de Chile no podía, en manera alguna, aceptar sino como la consecuencia de un resultado adverso del plebiscito y el cumplimiento de las obligaciones consignadas en el Tratado; que á las franquicias comerciales ofrecidas por el Perú, y que pudieran servir, más que de estímulo pecuniario, de vínculo mercantil fundado en el interés recíproco de los dos países, para estrechar y consolidar sus relaciones de amistad, no podían posponerse otras consideraciones relativas al principio de la posesión reconocida y sancionada por el tratado de Ancón; que esas mismas franquicias, si es verdad que facilitarían al Perú el medio de pagar cómodamente y sin grandes sacrificios positivos una suma considerable de millones, pago que en otra forma afectaría hondamente su situación económica, en cambio no tendrían para Chile igual importancia; que la facultad reservada al gobierno del Perú en el memorándum, de dictar, sin intervención alguna de Chile, los reglamentos que determinarían los requisitos para ejercer el derecho

de votación en la zona comprendida entre Sama y Vítor, aseguraría al Perú la evidente reincorporación de los territorios disputados, con detrimento de las justas expectativas de Chile á este respecto; que, por estas razones, que explicaban su oficio recordado de setiembre último, creía que no debía aceptar como base de discusión el memorándum referido, siendo imposible que la negociación progresase sobre la base de la previa desocupación.

El ministro de relaciones exteriores dijo: que había propuesto en el *memorándum*, la desocupación de la zona comprendida entre el río de Sama y la quebrada de Vítor, como consecuencia de la letra y espíritu del tratado de Ancón, y por las razones que expuso en el protocolo de la segunda conferencia; que si, como aseguraba el señor ministro de Chile, á las franquicias comerciales ofrecidas por el Perú no podían posponerse las consideraciones que obligaban á Chile á retener la posesión de los territorios hasta que el plebiscito le fuese adverso, la referida propuesta en realidad no podía mantenerse: que, asimismo, conducía á este resultado la observación hecha por el señor ministro de Chile de que en el *memorándum* se reservara el gobierno peruano la facultad de dictar los reglamentos que determinarían los requisitos para ejercer el derecho de votación en la zona comprendida entre Sama y Vítor, reserva que, á juicio de dicho señor ministro, aseguraría al Perú la evidente reincorporación de los territorios con detrimento de las justas expectativas de Chile; que, al respecto, debía manifestar, que esa concesión del derecho de fijar los requisitos de los votantes se dejaba también para Chile en el *memorándum*, en cuanto á la zona de Vítor y Camarones, y que, en todo caso, el Perú hubiera procedido tomando por base las estipulaciones del Tratado, los principios jurídicos universalmente aceptados y otros antecedentes análogos. Concluyó el ministro de relaciones exteriores manifestando que, en vista de la declaración del señor ministro de Chile, de que era imposible que la negociación progresase sobre la base de la previa desocupación, la daba, á su vez, por terminada.

El ministro de Chile dijo que, antes de suspender esta conferencia, consideraba necesario manifestar que no tenía inconveniente para continuar discutiendo cuando el señor ministro de relaciones exteriores lo invitara, pues su gobierno estimaba que sería posible llegar á un avenimiento sin que para ello fuera preciso innovar en la situación actual de los territorios.

JOSE MARIANO JIMÉNEZ.
JAVIER VIAL SOLAR.

LIMA, 10 de noviembre de 1893.

SEXTA CONFERENCIA

Reunidos en este despacho el ministro de relaciones exteriores, don José Mariano Jiménez, y el enviado extraordinario y ministro plenipotenciario de Chile, don Javier Vial Solar, por invitación del primero, con el objeto de reanudar las conferencias para la celebración del protocolo del plebiscito en los territorios de Tacna y Arica.

El ministro de relaciones exteriores dijo, que no habiéndose llegado á un acuerdo en cuanto á la interpretación del artículo tercero del tratado de Ancón, y no aceptando el señor ministro de Chile los medios insinuados para salvar las dificultades existentes, formulaba la proposición de que se sometiesen á la resolución inmediata de un gobierno amigo las siguientes cuestiones: primera, ¿á cuál de los dos países corresponde la posesión de los territorios después del 28 de marzo de 1894?; y segunda, ¿el derecho de votar corresponde solamente á los individuos cuya nacionalidad resulte afectada por la definitiva incorporación á Chile, ó también á otros habitantes? Agregó el ministro de relaciones exteriores, que, según el resultado del fallo arbitral, se procedería á discutir el reglamento para la inscripción de los votantes y demás procedimientos del plebiscito, así como también sobre los términos y plazos en que haya de pagarse la indemnización por el país que resulte favorecido.

El ministro de Chile dijo, que aun cuando no tenía instrucciones de su gobierno para aceptar ó rechazar el arbitraje que proponía el señor ministro de relaciones exteriores, sin embargo, con las generales que se le habían impartido, podía declarar que este medio de avenimiento no era aceptable; pues, para que lo fuera, habría de suponerse que la posesión de los territorios de Tacna y Arica, de que Chile goza en virtud de las prescripciones del Tratado de Ancón, era materia discutible ó de dudoso derecho, lo cual no puede, ni por un momento, admitirse, como ha tenido el honor de declararlo en repetidas ocasiones al señor ministro de relaciones exteriores. Agregó el ministro de Chile, que lamentaba que el gobierno del Perú insistiera en un orden de ideas que imposibilitaba el acuerdo entre ambos países.

El ministro de relaciones exteriores contestó que las ideas expuestas, tanto por él como por sus antecesores en el ministerio, sobre este particular, se fundaban, á juicio del gobierno peruano, en la letra del Tratado de Ancón y en la muy justa exigencia de que el plebiscito se realizara en las condiciones necesarias para

que su resultado fuese estimado como la expresión libre y espontánea de la voluntad de las poblaciones de Tacna y Arica.

El ministro de Chile replicó que encontraba natural esta exigencia; pero que no pensaba que fuera el camino apropiado para satisfacerla el indicado por el señor ministro de relaciones exteriores; pues el gobierno peruano debía tener la fe más segura en la honradez y lealtad de Chile; honradez y lealtad de que no tenía inconveniente en dar una nueva prueba, pactando aquellas garantías que, de común acuerdo, se estimaran oportunas para la libre y espontánea emisión del voto en el plebiscito.

El ministro de relaciones exteriores preguntó al ministro de Chile si estaba facultado para incluir entre esas garantías la intervención de funcionarios peruanos en el acto del plebiscito y la determinación de los requisitos que los votantes deberían reunir.

El ministro de Chile contestó, que si el señor ministro de relaciones exteriores llevaba la discusión á ese terreno y formulaba alguna proposición concreta, creía que sería fácil llegar á un acuerdo aceptable para ambos países.

JOSE MARIANO JIMÉNEZ.
JAVIER VIAL SOLAR.

LIMA, 7 de diciembre de 1893.

No. 67

The conditions of the Jiménez-Vial Solar agreement, of January 26, 1894. (Circular of 1901, already quoted, pp. 187-189.)

1st. The plebiscite shall be held under the conditions of reciprocity that both governments shall deem necessary in order to obtain an honest election that will be the faithful and true expression of the popular will of the provinces of Tacna and Arica.

2d. The one of the two nations in whose favor the said provinces are to be annexed shall pay unto the other the ten million pesos stipulated in Clause III, in bonds of the public debt at $4\frac{1}{2}$ per centum interest and 1 per cent sinking fund. The bonds of Chile shall be quoted at the average price at which those of the same description have been quoted in the London Exchange during the previous half year, and the bonds of Peru at the price to be decided upon by both governments, but in no case lower than 60 per cent.

The government issuing the bonds may at any time redeem them totally or in part at the rate at which they were accepted at the time of their issue.

3d. The coupons for interest due and for the redeemed bonds shall be received in payment of custom dues of the nation issuing them.

4th. In the event that Chile should gain the plebiscite Peru shall be entitled to rectify her frontier on the River Sama, advancing up to the southern border of the valley of Chero, that commences in Punta Quiaca and terminates in the cordillera to the south of snow-capped Pallagua, extending the boundary line to the source and flow of the Uchusuma.

Per contra, if Peru should be favored, Chile shall be entitled to rectify her frontier of Camarones, advancing as far as the northern edge of the valley of Vitor or Chaca, including the inlet of the same name, and extending the boundary line by the said valley as far as its southern slope and the boundary with Bolivia.

Whichever nation shall make use of the concession herein mentioned shall pay unto the other the sum of three million pesos, which shall be deducted from the total sum of the indemnity.

* * * * *

Bases Jiménez-Vial Solar del 27 de enero de 1894. (Citada circular de 1901, págs. 187 a 189.)

1º. El plebiscito se verificará en las condiciones de reciprocidad que ambos gobiernos estimen necesarias para obtener una votación honrada y que sea la expresión fiel y exacta de la voluntad popular de las provincias de Tacna y Arica.

2º. Aquel de los dos países á cuyo favor queden anexadas dichas provincias, pagará al otro, los diez millones de soles estipulados en el referido artículo III, en bonos de la deuda pública de $4\frac{1}{2}$ por ciento de interés y uno por ciento de amortización. Los bonos de Chile se cotizarán al tipo medio que los de la misma clase hayan tenido en el semestre anterior en el mercado de Londres; y los bonos del Perú al tipo que se convenga entre ambos gobiernos, no pudiendo ser éste menor del sesenta por ciento.

El gobierno que emita dichos bonos podrá, en cualquier tiempo, hacer amortizaciones totales ó parciales de ellos al tipo en que fueron aceptados en el momento de su emisión.

3º. Los cupones por intereses vencidos y bonos amortizados serán recibidos en pago de los derechos de aduana del país que los emita.

4º. En el caso de que Chile obtuviera el triunfo en el plebiscito, el Perú podrá rectificar su frontera del Sama, avanzando hasta la ribera sur de la quebrada de Chero, que comienza en Punta Quiaca y termina en la cordillera al sur del nevado Pallagua, prolongándose la línea divisoria hasta el origen y curso del Uchusuma.

En cambio, si el Perú fuese el favorecido, Chile podrá rectificar su frontera de Camarones avanzando hasta la ribera norte de la quebrada de Vitor ó Chaca, comprendiendo la caleta del mismo nombre y prolongándose la línea divisoria por dicha quebrada hasta su vertiente meridional y el límite con Bolivia.

El país que haga uso del derecho que se le concede en esta base, abonará al otro la suma de tres millones de soles que se descontarán del monto total de la indemnización.

* * * * *

No. 68

Memorandum read by Minister Ribeyro to the Minister of Foreign Affairs of Chile, February 23, 1894, proposing conditions for the plebiscite. (Circular of 1901, already quoted, p. 198.)

MEMORANDUM OF THE ENVOY EXTRAORDINARY AND MINISTER
PLENIPOTENTIARY OF PERU, DR. RAMON RIBEYRO.

The Plebiscite to which Article III of the Treaty of Ancon refers shall be carried out according to the conditions stipulated in the following articles, for the purpose of securing a ballot (votación) which will faithfully and exactly express the will of the denizens of the provinces of Tacna and Arica.

ARTICLE 1. When the registration of those who are to vote shall have begun, a Commission, or Superior Council (Junta Superior) shall be established in the City of Tacna, comprising one Delegate appointed by the Government of Chile, another by the Government of Peru, and a neutral whose casting vote shall be decisive (dirimente) appointed by the of

This Council shall possess, as inherent and exclusive functions, those of compiling the General Lists (Padron General) of the voters, whose names appear on the Partial Lists relating to the districts which are described in a subsequent article; of ordering the publication of those General Lists (Registro General) the counting of the returns and the issuing of the general rules for the ballot; the proclaiming of the result of the voting which it shall immediately communicate to both Governments.

It shall likewise decide without appeal (soberanamente) by a majority of votes, all difficulties, uncertainties and disputes which may arise with regard to the registration and during the process of the voting, and which shall be recorded in the daily minutes or in the written reports of the Commissioners of each district.

ART. 2. The registration in the Partial Lists and the receiving of the votes shall be in charge of mixed Commissions, made up of one Delegate appointed by the Government of Chile and another by that of Peru, which will be established, for the province of Tacna, in the city of that name, and in; and for the province of Arica, in the city of that same name and in

ART. 3. The registration commissions shall be set up one

month after the ratification of the present protocol, and shall be in operation for another month, counted from the date on which their appointment shall have been announced.

The voting shall begin fifteen days subsequent to the publication of the General List (Padron General) and shall be continued during five days; a daily record shall be kept which will show the result of the ballot (votación).

ART. 4. Only those voters possessing the following qualifications shall be registered in the lists:

1. All male Peruvians, married or 21 years of age, actually residing in the provinces of Tacna or Arica;

2. All male Chileans, married or 21 years of age, who can prove two years continuous and actual residence in the said provinces of Tacna or Arica.

The members of the public forces, government officials, or such men whose citizenship rights are either lost or suspended, according to the laws of either Chile or Peru, shall not be allowed to vote.

ART. 5. That country of the two in whose favor the provinces of Tacna and Arica shall become annexed, shall pay to the other the 10 million "soles," stipulated in Article III of the Treaty of Ancon above referred to, in Government Bonds bearing interest at $4\frac{1}{2}$ per centum and 1 per centum sinking fund (amortización) yearly.

The Chilean Bonds to be rated at the average value which those of the Chilean External Debt may have reached during the previous half year on the London market, and the bonds of Peru at 75 per centum of their nominal value.

ART. 6. The coupons for interest due and the sinking fund bonds (bonos amortizados) shall be received in payment of the Customs duties of the country issuing them.

ART. 7. In case Chile should be favored by the plebiscite, Peru will be at liberty to correct her frontier on the Sama, advancing it up to the south bank of the Chero Gap, which starts at Punta Quiaca and ends in the Cordillera to the south of the snow-capped Pallagua, the dividing line continuing up to the source and course of the Uchusuma.

On the other hand, should Peru be the favored nation, Chile shall be at liberty to correct her frontier on Camarones, advancing up to the north bank of the Vitor Gap, or Chaca, including the cove of the same name, the dividing line continuing along that Gap (quebrada) up to its southern slope and the frontier with Bolivia.

The country which shall take advantage of the right to frontier correction, granted by this article, shall pay to the other the amount of three million "soles."

ART. 8. Upon the verdict of the plebiscite being communicated by the Superior Council of Tacna to both Governments, in case it should be in favor of Peru, the government of Chile shall adopt the necessary measures for the return to Peru of the territories in occupation within a period which shall not exceed thirty days, counted from the date when it shall have received such notice.

Both contracting Parties mutually agree in such an event, to take the necessary steps so that the authorities or Commissioners appointed by Peru may receive from those of Chile, the establishments, public buildings and offices in the same bona fide condition in which they may happen to be on the day appointed for that purpose, as well as the archives, documents and records belonging to the judicial, civil and every other administration, relative to the management and government of the territories.

ART. 9. In case the plebiscite should be favorable to Chile, Peruvian citizens, denizens or otherwise of the territories of Tacna and Arica, and residing therein, shall be allowed to retain their citizenship, except in case of a specific declaration to the contrary, together with the enjoyment of the privileges which the laws of Chile, as well as those which are the outcome of the covenants between both nations, grant to aliens.

These same rights are understood to apply to the Peruvian citizens residents of the zone of that territory situated between the Camarones Gap and Vitor, in the event that this territory should remain under Chilean sovereignty as a consequence of the right of frontier correction stipulated in Article VII.

ART. 10. The contracting Parties reserve to themselves the settlement, by means of a subsequent protocol, of all matters relating to the course of still unsettled lawsuits and the drafting of regulations determining the jurisdiction which will have to apply in case the territories of Tacna and Arica are returned to Peru through the plebiscite.

Nº 68

Memorándum leído por el Ministro Ribeyro al Ministro de Relaciones Exteriores de Chile, febrero 23 de 1894, proponiendo bases para el plebiscito. (Citada Circular de 1901, pág. 198.)

MEMORÁNDUM DEL ENVIADO EXTRAORDINARIO Y MINISTRO
PLENIPOTENCIARIO DOCTOR DON RAMÓN RIBEYRO.

El plebiscito á que se refiere el artículo 3º del Tratado de Ancón

se verificará en las condiciones estipuladas en los artículos siguientes, con la mira de obtener una votación que exprese fiel y exactamente la voluntad popular de las provincias de Tacna y Arica.

ARTICULO 1.° Se instalará en la ciudad de Tacna, al iniciarse la inscripción de los que deben votar, una comisión ó junta superior, compuesta de un delegado nombrado por el gobierno de Chile, otro por el gobierno del Perú, y de un dirimente que designará el de

Esta junta tendrá como atribuciones propias y exclusivas, formar el padrón general de los votantes inscritos en los registros parciales de las localidades que se designan en artículo posterior, ordenar la publicación de ese registro general, y hacer el escrutinio y regulación general de los sufragios, proclamando el resultado de la votación, que comunicará inmediatamente á ambos gobiernos.

Asimismo, decidirá soberanamente, por mayoría de votos, todas las dificultades, dudas y cuestiones que se susciten con motivo de la inscripción y durante la votación, y que se hagan constar en las actas respectivas, ó por informes escritos de los comisarios de cada localidad.

ART.° 2.° La inscripción en los registros parciales y la recepción de los sufragios, se verificarán por comisiones mixtas, compuestas de un delegado nombrado por el gobierno de Chile, y otro por el gobierno del Perú, y funcionarán, para la provincia de Tacna, en la ciudad de este nombre, y en. . . , y para la provincia de Arica, en la ciudad así nombrada y en. . .

ART.° 3.° Las comisiones de inscripción se instalarán un mes después de la ratificación del presente protocolo, y funcionarán por otro mes, á partir de la fecha en que se haya anunciado su instalación.

La recepción de los sufragios principiará quince días después de publicado el padrón general, y durará cinco días; sentándose, en cada uno de ellos, el acta respectiva, en que se hará constar el resultado de la votación.

ART.° 4.° Serán admitidos para su inscripción en los registros como votantes, solamente los que reúnan las calidades siguientes:

1° los peruanos casados ó mayores de 21 años, con actual residencia en las provincias de Tacna ó Arica;

2° los chilenos casados ó mayores de 21 años, que acrediten tener dos años de residencia continua y actual en las dichas provincias de Tacna ó Arica.

No podrán votar los individuos de la fuerza pública, los em-

pleados de la administración, ni los que hayan perdido ó tengan en suspenso el derecho de ciudadanía con arreglo, indistintamente, á las leyes de Chile ó del Perú.

ART.º 5.º Aquel de los dos países á cuyo favor queden anexadas las provincias de Tacna y Arica, pagará al otro los diez millones de soles estipulados en el referido artículo 3.º del Tratado de Ancón, en bonos de la deuda pública de 4 y $\frac{1}{2}$ por ciento de interés y uno por ciento de amortización anual.

Los bonos de Chile se cotizarán al tipo medio que los de su deuda externa hayan alcanzado en el semestre anterior en el mercado de Londres; y los bonos del Perú, al 75 por ciento de su valor nominal.

ART.º 6.º Los cupones por intereses vencidos y bonos amortizados serán recibidos en pago de los derechos de aduana del país que los emita.

ART.º 7.º En el caso de que Chile obtenga el triunfo en el plebiscito, el Perú podrá rectificar su frontera del Sama, avanzando hasta la ribera sur de la quebrada de Chero, que comienza en Punta Quiaca y termina en la cordillera al sur del nevado Pallagua, prolongándose la línea divisoria hasta el origen y curso del Uchusuma.

En cambio, si el Perú fuese el favorecido, Chile podrá rectificar su frontera por Camarones, avanzando hasta la ribera norte de la quebrada de Vitor ó Chaca, comprendiendo la caleta del mismo nombre, y prolongándose la línea divisoria por dicha quebrada hasta su vertiente meridional y el límite con Bolivia.

El país que haga uso del derecho de rectificación acordado en este artículo, pagará al otro la suma de tres millones de soles.

ART.º 8.º Comunicado por la junta superior de Tacna á los dos gobiernos el resultado del plebiscito, si éste hubiese sido favorable al Perú, el gobierno de Chile adoptará las medidas que sean necesarias para que los territorios ocupados se entreguen al Perú, en un plazo que no excederá de treinta días, á partir de la fecha en que reciba el aviso.

Ambas partes contratantes se comprometen á tomar, de común acuerdo, en el caso indicado, las providencias necesarias para que las autoridades ó comisionados que nombre el gobierno del Perú reciban de las autoridades chilenas, los establecimientos, edificios públicos y oficinas, en el estado en que se encuentren *bona fide*, en el día señalado para ese objeto, así como los archivos, documentos y registros relativos á la administración judicial, civil y demás concernientes al régimen y gobierno de los territorios.

ART.º 9.º En el caso de que el plebiscito sea favorable á Chile, los ciudadanos peruanos, originarios ó no, de los territorios de Tacna y Arica con residencia en ellos, ccnservarán su nacionalidad, salvo declaración contraria, con el goce de los derechos que las leyes de Chile acuerdan á los extranjeros y las que se derivan de los pactos entre ambas naciones.

Igual derecho se entiende reconocido á los ciudadanos peruanos residentes en la zona de territorio comprendida entre la quebrada de Camarones y Vitor, en el caso de que ese territorio quede del dominio de Chile, en virtud del derecho de rectificación estipulado en el artículo VII.

ART.º 10.º Las partes contratantes se reservan ajustar, por un protocolo posterior, lo relativo al curso de los litigios pendientes y reglas de jurisdicción que habrán de regir en el caso de que los territorios de Tacna y Arica se restituyan al Perú por efecto del plebiscito.

No. 69

Note of the Minister of Peru in Chile to the Minister of Foreign Affairs, Blanco Viel, dated March 27, 1894, leaving on record the expiry of the ten-year term, and reaffirming the rights of Peru. (Circular of 1901, already quoted, p. 192.)

No. 22.]

PERUVIAN LEGATION,
Santiago, March 27, 1894.

SIR: As the stipulated time for the temporary occupation of the provinces of Tacna and Arica, provided for in the Treaty of Ancon, expires to-morrow, I have been charged by my government to inform Your Excellency how greatly it laments that, owing to circumstances beyond its control, no agreement should have been reached relative to the drawing up of the protocol containing the conditions for the plebiscite which is to determine the definite status of the provinces in question.

Although the Peruvian Government maintains its interpretation of Article III of the Peace Treaty, in the sense that the occupation of these territories is no longer vested in Chile after March 28, 1894, still it confidently trusts that Your Excellency will be good enough to give special attention to the necessity for arriving at a definite decision respecting the bases for the reciprocal adjustment, as agreed on the 26th of January of the present year; and that Your Excellency will likewise be so good as to take into consideration that the fact of prolonging the period of occupation of the provinces, beyond the stipulated date, without first having reached an agreement as to the conditions for the plebiscite, cannot be countenanced by Peru except under reservation of her rights, precisely as she has hitherto maintained; which, however, will not prevent her from endeavoring, in a spirit of the utmost loyalty and sincerity, to secure an honorable and practical means for solving a matter of such importance in the consolidation of the friendly understanding which so fortunately subsists between both governments.

I avail myself of this opportunity to reiterate to Your Excellency the assurances of my high and distinguished consideration.

R. RIBEYRO.

To His Excellency, Señor VENTURA BLANCO VIEL,
Minister of Foreign Affairs of Chile.

Nota del Ministro del Perú en Chile al Ministro de Relaciones Exteriores Blanco Viel, marzo 27 de 1894, dejando constancia del vencimiento del plazo de 10 años y haciendo reserva de los rechos del Perú. (Citada circular de 1901, pág. 192.)

Núm. 22.]

LEGACIÓN DEL PERÚ,
Santiago, 27 de marzo de 1894.

Señor: Cumpliéndose el día de mañana el plazo de ocupación temporal de las provincias de Tacna y Arica, estipulado en el Tratado de Ancón, he recibido encargo de mi gobierno para manifestar á V. E. que lamenta el que, por causas independientes de su voluntad, no se haya llegado á la conclusión del protocolo mediante el cual ha de organizarse el plebiscito que decida definitivamente de la suerte de las indicadas provincias.

Aunque el gobierno del Perú mantiene su interpretación del artículo III del tratado de paz, en el sentido de que la ocupación de esos territorios no corresponde á Chile después del 28 de marzo de 1894; espera confiadamente que V. E. se dignará prestar preferente atención á la necesidad de dar forma definitiva á las bases de transacción con reciprocidad, acordada en 26 de enero del año corriente; y que igualmente se servirá tomar en cuenta que el hecho de prolongarse la ocupación de las provincias mencionadas más allá del término estipulado, sin haberse llegado á acordar las condiciones del plebiscito, no puede entenderse para el Perú sino con la reserva de su derecho tal como lo ha sostenido, sin perjuicio de buscar, con el espíritu más leal y sincero, un medio honorable y práctico de arribar á la solución de asunto tan interesante para consolidar la amistosa inteligencia que felizmente existe entre ambos gobiernos.

Aprovecho esta oportunidad para renovar á V. E. las seguridades de mi alta y distinguida consideración.

R. RIBEYRO.

Al Excmo. señor don VENTURA BLANCO VIEL,
Ministro de Relaciones Exteriores de Chile.

No. 70

Reply of Minister Blanco Viel, March 29, 1894. (Circular already quoted, p. 193.)

REPUBLIC OF CHILE,
MINISTRY OF FOREIGN AFFAIRS,
Santiago, March 29, 1894.

SIR: I have had the honor to take note of the contents of the courteous communication of the 27th instant which Your Excellency was good enough to personally hand me at 3.30 p. m. yesterday afternoon.

Your Excellency informs me, in this communication, that as the term of temporary occupation of the provinces of Tacna and Arica, stipulated in the Treaty of Ancon, expires upon the day following the date of this dispatch, Your Excellency's government has instructed you to express to this Department how greatly it regrets that, due to causes for which it cannot be held responsible, no decision has yet been reached with respect to the Protocol which is to define the conditions of the plebiscite upon which depends the final status of the above-mentioned provinces.

* * * * *

I must begin, Sir, by leaving on record that my government, while greatly deploring the fact that the conditions for holding the plebiscite should not, up to this present moment, have been decided upon, yet considers it its duty to declare that it emphatically declines all responsibility which might be attributed to it in consequence thereof, since the line of conduct which it has consistently observed from the time when it suggested the advisability of negotiating these conditions, is an unimpeachable proof that its principal consideration has ever been to secure an adequate solution, in keeping with the provisions of the Treaty of Ancon.

Indeed, Sir, neither Your Excellency nor the Peruvian Government can fail to be aware, since the records of the Ministry in Lima unquestionably confirm it, that the Chilean Government in discussing this matter, either through its diplomatic Representative in Peru or through the Peruvian Minister in Chile, has invariably been imbued with the most forbearing and conciliatory

sentiments, striving, to the best of its ability, to facilitate and pave the way to an agreement.

Your Excellency is aware that, although the deliberations should, in the first instance, have been held in Santiago, this Department, true to its determination not to hamper or delay the negotiations, did not demur in acquiescing to the request formulated by Your Excellency's government that the conditions for the plebiscite be discussed in Lima, between the Minister of Foreign Affairs of Peru and the Chilean diplomatic Representative.

Having disposed of this first point of Your Excellency's note to which I am replying, I would wish to refer to the statement which Your Excellency makes respecting the interpretation given to Art. III of the Peace Treaty by the Peruvian Government, to the effect that Chile has no right to occupy the territories of Tacna and Arica after the 28th of March, 1894.

At the outset, I would ask Your Excellency to allow me to state that my government does not, in this instance, concur in the interpretation put forward by the Government of Peru.

Your Excellency is aware that, before the Treaty of Ancon was in existence, Chile was in lawful occupation of the Provinces of Tacna and Arica.

It is therefore very evident that, though a treaty was subsequently concluded which contained the conditions for the final possession of these territories, so long as these conditions are still unfulfilled, or until a formal engagement providing otherwise shall not have been agreed to, occupation by Chile must necessarily subsist.

* * * * *

With reference to the statement contained in Your Excellency's note respecting the expectation of the Peruvian Government, which confidently trusts that I shall give particular consideration to the bases of agreement proposed by H. E. Sr. Jiménez on the 26th of January, I hasten to assure Your Excellency that were it not that the consequences of the approaching ministerial crisis place me in the position of being about to be relieved from the responsibilities of office, I would have had the greatest pleasure to exhaustively study these formulae of agreement and to have discussed with Your Excellency the particulars which are to supplement them, as well as to have decided upon the conditions and the procedure for the regulation of the plebiscite.

The above notwithstanding, Your Excellency may rest assured

that my successor in the Department of Foreign Affairs will give his solicitous attention to the matters treated herein by me, in the early conclusion of which my government is as vitally interested as is that of Your Excellency.

Meanwhile I would solicit the acceptance by Your Excellency of the assurances of my high consideration.

V. BLANCO VIEL.

To Sr. RAMON RIBEYRO,

E. E. and Minister Plenipotentiary of Peru in Chile.

Nº 70

Contestación del Ministro Blanco Vial, marzo 29 de 1894. (Citada circular de 1901, pág. 193.)

Núm. 620.]

REPÚBLICA DE CHILE,
MINISTERIO DE RELACIONES EXTERIORES,
Santiago, 29 de marzo de 1894.

Señor: He tenido la honra de instruírme de la atenta nota de VS. de fecha 27 del presente, que VS. se dignó poner personalmente en mis manos, á las 3½ de la tarde del día de ayer.

En esa comunicación, VS. se sirve manifestarme que, cumpliéndose al día siguiente al de la fecha de la misma, el plazo de ocupación temporal de las provincias de Tacna y Arica, estipulado en el Tratado de Ancón, VS. ha recibido encargo de su gobierno para significar a esta cancillería que lamenta el que, por causas independientes de su voluntad, no se haya llegado a la conclusión del protocolo mediante el cual ha de organizarse el plebiscito que decida definitivamente de la suerte de las mencionadas provincias.

* * * * *

Debo comenzar, señor ministro, por dejar establecido que mi gobierno, á la vez que deplora altamente que hasta ahora no se hayan ajustado las bases para la celebración del plebiscito, se hace un deber en declarar que declina en absoluto toda responsabilidad que por ello pudiera atribuírsele, ya que la norma de conducta á que ha obedecido desde el momento mismo en que estimó oportuno insinuar la necesidad de discutir dichas bases, es un testimonio irrecusable de que su anhelo más constante ha sido buscar una solución perfectamente oportuna y en armonía con el pacto de Ancón.

En efecto, señor ministro, ni VS., ni su gobierno pueden ignorar, puesto que los antecedentes que deben existir en la cancillería de Lima lo corroboran de una manera inequívoca, que el gobierno

de Chile al tratar esta cuestión, ya sea por órgano de su representante diplomático en el Perú, ya sea en sus relaciones directas con el ministro del Perú en Chile, se ha inspirado invariablemente en un espíritu conciliador y prudente, procurando, en cuanto le ha sido posible, hacer fácil y expedito el camino del avenimiento.

VS. sabe, señor ministro, que no obstante de que las negociaciones debieron radicarse primeramente en Santiago, esta cancellería, persiguiendo siempre el propósito de no dificultar ni retardar las gestiones, cedió, sin resistencia alguna, á la petición que le hiciera el gobierno de VS., en el sentido de que las bases del plebiscito fueran discutidas en Lima, entre el Excmo. señor ministro de relaciones exteriores del Perú y el representante diplomático de Chile.

Dejando analizado este primer punto que contiene la nota de VS. que contesto, paso á ocuparme en la declaración que VS. formula acerca de la interpretación que el gobierno del Perú da al artículo III del tratado de paz, en el sentido de que la ocupación de los territorios de Tacna y Arica no corresponde á Chile después del 28 de marzo de 1894.

VS. me habrá de permitir, señor ministro, que le manifieste, desde luego, que mi gobierno no participa á este respecto de la opinión del gobierno de VS.

Sabe VS. que, con anterioridad al ajuste del Tratado de Ancón, Chile ocupaba legítimamente las provincias de Tacna y Arica.

Ahora bien, si posteriormente se suscribió un Tratado en que se consignan las condiciones en que debe resolverse la posesión definitiva de esos territorios, es evidente que mientras esas condiciones no se cumplan, ó mientras no haya un acuerdo expreso que disponga las cosas en otra forma, la ocupación debe continuar invariablemente mantenida por Chile.

* * * * *

Respecto de los conceptos que contiene la nota de VS. acerca de que el gobierno del Perú espera confiadamente que el infrascrito se dignará prestar preferente atención á las bases generales de arreglo presentadas el 26 de enero último por el Excmo. señor Jiménez, me apresuro á significar á VS. que, si las circunstancias que se desprenden de la crisis ministerial pendiente, no me colocaran en situación de desligarme muy en breve de los negocios que están á mi cargo, me habría sido muy grato entrar á estudiar en su fondo dichas bases y á discutir con VS. los detalles que deben completarlas y fijar las condiciones y forma en que debe verificarse el plebiscito

Esto no obstante, puede VS. confiar en que mi sucesor en el cargo de ministro de relaciones exteriores, prestará la atención que merecen á los negocios en que me vengo ocupando, en cuya pronta solución mi gobierno se encuentra tan vivamente interesado como el gobierno de VS.

Quiera VS. aceptar, entretanto, las seguridades de mi alta consideración.

V. BLANCO VIEL.

Señor don RAMÓN RIBEYRO,

Enviado Extraordinario y Ministro

Plenipotenciario del Perú en Chile.

No. 71

Note of the Minister of Peru in Chile, to the Peruvian Minister of Foreign Affairs of Peru, giving an account of his conference with Minister Sanchez Fontecilla, during which the latter declared that negotiations should begin anew, ignoring all that had been achieved relative to the conditions of January 26. (Circular of 1901, already quoted, p. 202.)

CONFIDENTIAL.

No. 53.]

LEGATION OF PERU,
Santiago, July 6, 1894.

To the MINISTER OF FOREIGN RELATIONS OF PERU, *Lima.*

I immediately informed you yesterday by cable of Sr. Sanchez Fontecilla's conference with me, the extraordinary outcome of which is, indeed, as unusual as it is irritating.

Hardly had I reached, after a brief summary of the antecedents, the present phase of the question and the special purpose for which I had solicited the appointment—which was to discuss and come to terms upon the conditions of the plebiscite, according to bases mutually agreed upon by the Minister of Foreign Affairs of Peru and the Chilean Plenipotentiary, Sr. Vial Solar, on the 26th of January of this year—than Sr. Sanchez Fontecilla declared that, as a first step, it would be advisable to keep the fact in mind that perhaps it would be more appropriate, so as to assure the success of any subsequent agreement which might ensue, to discuss the terms of a protocol which would define the present status of the provinces of Tacna and Arica, a status which was anomalous subsequent to the 28th of March of the present year, when the ten-year term of occupation, stipulated in the Treaty of Ancon, had elapsed; adding that, as he saw it, such a protocol should grant an extension of the term of occupation for a few additional years, so as to secure, during that time, the proper means to conclude an agreement with respect to the plebiscite, and, taking advantage of the most propitious moment which might arise in both countries, carry the same into effect; he assured me that this was proposed entirely on his own personal initiative.

Although I perfectly understood, of course, that such an unusual proposition was really the outcome of the decision adopted by

the Government in Council, and put forth as a feeler and as a bid for further delay, I nevertheless immediately replied that such a suggestion was extremely surprising, if for no reason other than the present state of the negotiations, which were by no means in their initial stages, but were, indeed, almost concluded by virtue of the agreement as to the general principles to govern the plebiscite; that it was precisely this anomalous status of the Provinces, subsequent to the 28th of March, which prevented the Peruvian Government from lending any assistance whatever towards making it lawful, or viewing it as anything but a *de facto* occupation, the discontinuance of which it was in duty bound to secure *quam primum*, hastening, rather than delaying, the negotiations which the Covenant above-mentioned ordains; that such a proposition, made to its Representative as the introductory premise of the Chilean Minister in a conference whose only purpose was the settling of details bearing upon the procedure and safeguards for the plebiscite, some of whose fundamental conditions were already agreed to, had certainly never been included among the possibilities contemplated by my Government; that my personal opinion was that such an idea could not be admitted, even for discussion, but that of course, my duty was to inform you with regard to an incident as unexpected as it was regrettable on more than one account.

Sr. Sanchez hastened to assure me once more that the suggestion to which I referred was to be considered solely as his personal opinion, tending, as he had said, to facilitate the completion of the protocol upon satisfactory terms, anticipating the most propitious opportunity offered by the state of public opinion in both countries and their normal situation [to make it acceptable]. Sr. Sanchez alluded to the approaching political agitation which would ensue consequent upon the election of the President of Chile and to the inception of the newly formed government in Peru, resulting from the last elections; he finally stated, however, that notwithstanding the opinion he had expressed, he was still willing to inaugurate negotiations for the protocol which was to regulate the plebiscite, though he warned me that the discussion thereon would have to start *ab initio*, from the very first of its conditions and disregarding ("haciendo tabla rasa") everything which I had put forward in the shape of bases already agreed upon, since those which had been covenanted between Sr. Vial Solar and Sr. Jiménez had not been approved by his government, which, on the contrary, had immediately disavowed the pro-

cedure of its Representative because he had not carried out the instructions which had been furnished him for their negotiation.

R. RIBEYRO.

Nº 71

Nota del Ministro del Perú en Chile dando cuenta de la conferencia de julio 6 de 1894 con el Ministro Sanchez Fontecilla, en que éste declara que debe hacerse tabla rasa de las bases del 26 de enero. (Citada circular de 1901, pág. 202.)

RESERVADA Nº 53.]

LEGACIÓN DEL PERÚ,
Santiago, 6 de julio de 1894.

Señor MINISTRO DE RELACIONES EXTERIORES, *Lima.*

Señor MINISTRO: Por cable, comuniqué á US. ayer, inmediatamente después de mi conferencia con el señor Sánchez Fontecilla el extraño resultado de ella, tan extraño como enfadoso en verdad.

Apenas expuesto por mí, tras breve recapitulación de antecedentes, el estado actual del asunto y el objeto en concreto de la conferencia que había solicitado, que era el de discutir y acordar las condiciones del plebiscito sobre las bases fijadas de común acuerdo por el ministro de relaciones exteriores del Perú y el plenipotenciario de Chile, Sr. Vial Solar, en 26 de enero del año corriente, el señor Sánchez me manifestó, que, ante todo, convenía fijarse en que acaso sería lo más conveniente y á fin de asegurar buen éxito á cualquier acuerdo á que pudiera llegarse, el discutir los términos de un protocolo que determinase la condición de las provincias de Tacna y Arica, que habían quedado en situación irregular después del 28 de marzo de este año, en que terminaron los diez años de ocupación estipulados en el tratado de Ancón, agregando que él entendía que ese protocolo debía contener la prórroga de la ocupación durante algunos años, á fin de preparar durante ellos los medios de llegar al acuerdo sobre el plebiscito, aprovechando la ocasión más propicia en ambos países para llevarlo á cabo; y que esto, me lo proponía, como idea personal suya.

Aunque comprendí, desde luego, que tan insólita proposición era el resultado de los acuerdos tomados en consejo de gobierno como una exploración ó tentativa de una nueva dilación, me apresuré á significar al señor Sánchez, que era de sorprender semejante insinuación, aunque no fuera más que por el estado actual de la negociación, no solamente incoada, sino en parte realizada

con el acuerdo sobre sus bases generales; que, por lo mismo que era irregular la situación de las provincias después del 28 de marzo, el gobierno del Perú no podía contribuir á legalizarla por acuerdo ninguno, estimándola como una simple ocupación de hecho que tenía el deber de hacer cesar *quam primum*, apresurando, antes que postergando, la negociación prescrita por el pacto recordado: que en las previsiones de mi gobierno no podía, sin duda, haber entrado que su representante escuchara esto como primera palabra del señor ministro en la conferencia que, tenía por objeto detallar las formas y garantías del plebiscito, ya acordadas en algunas de sus condiciones fundamentales: que mi opinión personal era, que no podía ni discutirse semejante idea, pero que mi deber era dar cuenta á US. sobre incidente tan inesperado como sensible por más de una consideración.

El señor Sánchez se apresuró á ratificar el concepto de que la insinuación á que me refería debía considerarla como una idea personal suya, encaminada á facilitar, como me lo había dicho, la conclusión del protocolo en términos satisfactorios, acechando la oportunidad más propicia, por el estado de la opinión en ambos países y por la normalidad de su situación. Aludía el señor Sánchez á la proximidad de la nueva agitación política que traería la elección de presidente en Chile y á la inauguración del gobierno nacido en el Perú de las elecciones últimas; pero concluyó por expresarme, que, sin embargo de la opinión manifestada, no tenía inconveniente para entrar en la negociación del protocolo para organizar el plebiscito; pero que debía advertirme que sería discutiendo desde la primera de sus condiciones, haciendo tabla rasa (*palabras textuales*) de todo lo que yo había indicado como bases acordadas, pues las que había ajustado el señor Vial Solar con el señor Jiménez, no habían merecido la aceptación de su gobierno, que, por el contrario, se había apresurado á desaprobar su conducta, en razón de que se había separado de las instrucciones que se le dieron para negociarlas.

R. RIBEYRO.

Vial Solar's interpretation of this incident. (*Vial Solar*: "Páginas Diplomáticas." Santiago, 1900, p. 219.)

* * * * *

In this manner were the instructions of the Chilean Foreign Office to its Representative in Peru duly carried out in every respect.

However, it happened that upon the Protocol of the 26th January reaching the Minister of Foreign Affairs, Sr. Blanco, on being sent, through an oversight, by Sr. Vial Solar without the usual covering note explaining the absence, in the Protocol, of what had been decided upon respecting the two points in reference, the former was naturally surprised at the omission and forthwith cabled the Chilean Representative in Lima, calling his attention thereto and requesting an explanation, which was immediately forthcoming and furnished in such a manner as to definitely clear up the misunderstanding which had arisen.

Sr. Blanco was likewise surprised to find in the Protocol of the 26th January the sentence "the Plebiscite shall be carried out under conditions of reciprocity," interpreting the word "reciprocity" as the equivalent of "equality," although the first had always been used, on several occasions, by the Chilean Government and by its Representative in Lima, as being best fitted to overcome the difficulties of the negotiation; on this point, also, the Chief of the Chilean Chancery was subsequently satisfied upon learning that Minister Vial Solar had informed Minister Jiménez that, in the opinion of the Chilean Government, "reciprocity" did not mean "equality," and that only upon this understanding would he accept the Protocol.

For the purpose of throwing additional light on this incident, we give herewith a copy of the diplomatic document which Minister Blanco missed at first and which, thereafter, the Government of Peru willingly endorsed previous to the protocols in question, in order to allay the doubts of the Chilean Chancery.

PRO-MEMORIA (AIDE MEMOIRE): Handed by Sr. Jiménez to Sr. Vial Solar on the 9th March, 1894.

The Minister of Chile called upon me at the Department of Foreign Affairs on Tuesday of this week for the purpose of re-

minding me of the incidents in the discussion we engaged in previous to leaving on record the agreement which is contained in the communications of the 26th January last. As a record of our conferences was not taken, owing to Minister Vial Solar's statement that his Government had instructed him to use only a verbal and confidential medium, I cannot refrain from giving an account of the facts which are as follows:

I. Sr. Vial Solar claimed that, among the conditions, one should be included to the effect that during the plebiscite the territories should preserve the identical status they held to-day. I replied that it was not necessary to specifically mention this, *as only in the event of a change being effected in the person of the occupier, was a specific declaration required*. Sr. Vial Solar concurred in the accuracy of my opinion.

II. The above-mentioned Minister desired that Article X of the conditions should be worded, as far as I remember, as follows: "The plebiscite shall be carried out under such conditions as will guarantee an honest performance and an unhampered vote." I endeavored to have these guarantees specified, but only succeeded in obtaining declarations of the nature of those which are consigned in the protocol of the 4th Conference. I then declared that I could propose no basis which did not satisfy me that Chile would consent to an agreement founded upon an *equality* of conditions, so I proposed the following draft: "The plebiscite shall be carried out under conditions of the *strictest parity*." Sr. Vial Solar refused, alleging that he had no instructions from his government authorizing him to accept any such "parity" (*igualdad*). I replied that as far as I was concerned this was a *sine qua non* condition and that to insist against this revealed that his intentions were not to furnish proper guarantees. He contested this accusation and we eventually agreed to substitute the word "*reciprocity*," so that, due to this definition, an agreement might be possible on both sides.

III. Sr. Vial Solar stated that one of the conditions of the agreement would be the establishment of the Tribunal to pass upon the claims of Chileans who had suffered losses. I replied that the matter was not germane to the subject under discussion and that the Peruvian Government *would have no objection to negotiating the necessary agreement separately*.

* * * * *

Identical declarations with those contained in this Memorandum were made, at almost the same time, by the Minister of Peru in

Santiago, Sr. Ramon Ribeyro, to the Minister of Foreign Affairs, Sr. Blanco Viel, in view of which the latter accepted the Protocol of the 26th January, ratifying the action of the Minister Vial Solar; and, by virtue of this acceptance at once proceeded, and continued until he relinquished the portfolio of Foreign Affairs, to discuss with the Minister of Peru the settlement of the details which the Protocol had left to be negotiated separately.

* * * * *

The Chilean Foreign Office, far from disavowing its Representative in Lima at the time, and repudiating the negotiation so successfully concluded by him, on the contrary, ratified everything he had accomplished.

* * * * *

Otherwise, and supposing the rumors which, at the time, were circulated on this subject by the press to have been true, how could it have been possible not to have notified the Peruvian Government respecting all these matters, as would have been required so as to give them any diplomatic value, and to have kept it, instead, in complete ignorance of what had taken place?

* * * * *

Nº 72

Versión de Vial Solar sobre esta actitud. (*Vial Solar*: "Páginas Diplomáticas." Santiago, 1900, pág. 219.)

Quedaron, pues, de esta suerte cumplidas en todas sus partes las instrucciones impartidas por la Cancillería chilena á su representante en el Perú.

Ahora bien, sucedió que, al llegar á manos del Ministro señor Blanco el protocolo de 26 de enero, que por un error le fué transmitido por Vial Solar sin las explicaciones correspondientes acerca de la omisión en él de lo convenido sobre las dos cuestiones referidas, naturalmente éste extrañó la omisión y envió un cablegrama al representante de Chile en Lima, manifestándoselo y pidiéndole las explicaciones correspondientes, que no tardaron en serle dadas en términos que pusieron punto final á la desinteligencia que se había producido.

También extrañó el señor Blanco, en el protocolo de 26 de enero, la frase "*el plebiscito se verificará en las condiciones de reciprocidad*," estimando que la palabra *reciprocidad* podía ser considerada como sinónimo de *igualdad*, sin embargo de que aquélla siempre había sido pronunciada, en repetidas ocasiones, por el

Gobierno de Chile y su representante en Lima como la más apropiada para salvar las dificultades de la negociación; pero luego, en esta parte, quedó, de igual modo, satisfecho el jefe de la Cancillería chilena al saber que el Ministro Vial Solar había significado al Ministro Jiménez que, en concepto del Gobierno de Chile, *reciprocidad* no era *igualdad* y que solamente entendiéndolo así aceptaba el protocolo.

Para mayor claridad de lo que fué este incidente, copiamos en seguida el documento diplomático que en el primer momento echaba de menos el Ministro Blanco y que el Gobierno del Perú no tuvo inconveniente en anticipar á los protocolos respectivos, para tranquilizar á la Cancillería chilena:

Pro-memoria.—*Entregada por el señor Jiménez al señor Vial Solar el día 9 de marzo de 1894.*—El señor Ministro de Chile estuvo en mi Despacho el martes de la presente semana con el objeto de recordarme los incidentes de la discusión que tuvimos antes de formalizar el acuerdo que consta en las notas de 26 de enero último. Como la protocolización de nuestras conferencias no se realizó por haberme declarado el referido señor Ministro que las instrucciones de su Gobierno le prescribían emplear la forma verbal y confidencial, no he creído que pudiera excusarme de hacer la siguiente relación de hechos:

I. El señor Vial Solar pretendía que se incluyese en las bases una que contuviese la idea de que los territorios permanecerán durante el plebiscito en el mismo estado en que hoy se encuentran. Le manifesté que no era necesario decirlo, pues sólo *para cambiar la persona del ocupante seria necesaria una declaración expresa*. El señor Vial Solar encontró justa mi manera de apreciar.

II. Deseaba el mismo señor Ministro que se redactase el artículo 10 de las bases de la siguiente manera, según mis recuerdos: “El plebiscito se realizará en las condiciones que garanticen un procedimiento honrado y un voto libre.” Pretendí que se especificaran esas garantías, y sólo pude conseguir declaraciones análogas á las que constan en el protocolo de la cuarta conferencia. Entonces declaré que no podía proponer ninguna base que no me asegurase que se llegaría por parte de Chile á un acuerdo fundado en la *igualdad* de condiciones y propuse la siguiente redacción: “El plebiscito se realizará bajo las condiciones de *la más perfecta igualdad*. El señor Vial Solar se negó, alegando no tener instrucciones de su Gobierno para aceptar dicha *igualdad*. Le repliqué que esto era para mí condición *sine qua non*, y que la exigencia contraria revelaba que su propósito no era dar garantías decorosas.

Me rebatió este pensamiento y, por último, convinimos en poner la palabra "*reciprocidad*" para que, dentro de ese término, se pudiese llegar á un acuerdo entre ambas partes.

III. El señor Vial Solar me manifestó que sería condición del arreglo constituir el Tribunal para resolver sobre las reclamaciones de los damnificados chilenos. Le contesté que esta materia no tenía relación con lo que discutíamos y que el Gobierno peruano *no tendría inconveniente en negociar el convenio respectivo por separado.*

* * * * *

Las mismas declaraciones contenidas en este *memorándum* fueron hechas casi al mismo tiempo por el señor Ministro del Perú acreditado en Santiago, don Ramón Ribeyro, al Ministro de Relaciones Exteriores señor Blanco Viel, y, con ellas, este último aceptó el protocolo de 26 de enero, ratificando lo hecho al respecto por el Ministro Vial Solar, y entrando en seguida, á virtud de esa aceptación, á tratar como lo hizo y hasta que dejó la cartera de Relaciones Exteriores, con el Ministro del Perú, sobre los detalles dejados en el Protocolo para ser negociados separadamente.

La Cancillería chilena, lejos de desautorizar en ese tiempo á su representante en Lima y de rechazar la negociación tan felizmente terminada por éste, ratificó, por el contrario, todo lo hecho.

* * * * *

De otra suerte y al ser efectivos los rumores que entonces se propalaron por la prensa al respecto ¿cómo se explicaría que todo ello no fuera notificado al Gobierno del Perú, como era preciso que lo hubiera sido, para que tuviera valor diplomático, y, al contrario, se mantuviera á éste ignorante de lo sucedido?

* * * * *

No. 73

Note from the Peruvian Minister in Chile, Sr. Ribeyro, dated September 21, 1894, soliciting a speedy decision to the unfinished discussion. (Circular already quoted, p. 210.)

No. 43.]

PERUVIAN LEGATION,
Santiago, September 21, 1894.

SIR: I duly brought to the attention of my government the result of our conference of the 5th of July of this year, which I had the honor to request Your Excellency to grant me for the purpose of continuing those which had been undertaken with Your Excellency's honorable predecessor, and the object of which was to leave on record, by means of an appropriate protocol, the conditions under which the plebiscite, which is to decide the future status of the Provinces of Tacna and Arica, should be held. With regard thereto, my government instructs me to inform Your Excellency that, being animated by the liveliest and most sincere desire for the honorable and equitable solution of so important a question, which is so closely bound up with the real and enduring interests of Chile and Peru, it has no doubt that the government of Your Excellency, assuredly inspired by the same ideals and taking the progress and present state of the negotiation into consideration, will not hesitate to acquaint it with the intentions and opinions on the subject entertained by that of Your Excellency, as well as the means which, in its estimation, may lead to the anxiously expected conclusion of this matter.

The former agreements, which Your Excellency has doubtless seen, prove that upon the Chilean Plenipotentiary in Peru being once more requested—on the 4th of April, 1893—to covenant the provisions of the protocol, the discussion was confined to the various interpretations given by both negotiators to the Treaty of Ancon, the result of their deliberations being embodied in the minutes of the conferences and duly signed by them.

On the 19th of August of that same year, the Minister of Foreign Affairs of Peru submitted a Memorandum which contained a series of concrete proposals to serve as a basis for the negotiation, but which, on being submitted by the Chilean Minister to

his government, failed to secure its approval, for the reasons expressed in the *minutes* dated the 10th of November.

New conditions for an agreement were therefore sought, and were eventually found acceptable and were embodied in the communications exchanged on the 26th of January of this year.

It is pertinent to recall, in this connection, that though there is no doubt that the Ministry of Foreign Affairs (of Chile) was fully informed respecting the progress and the details of this negotiation, the undersigned had, in addition, occasion to discuss it with Your Excellency's predecessor, at the time when he was charged by his government to remove the objection and overcome the reluctance offered by the Chilean Plenipotentiary to the inclusion, among the conditions already agreed upon, of the agreement admitting Peru's ulterior right to correct the frontier delimitation between both territories, in the event that the plebiscite should be favorable to Chile, a mission which met with complete success upon our accepting the Chilean Plenipotentiary's condition of reciprocity on his part.

Once the conditions of the 26th of January had been agreed upon and as the Chilean Minister declared that his instructions allowed him to go no further, the Peruvian Government decided to entrust me with the ensuing negotiations, which were merely to deal with such details as the composition, on a basis of equality, of the Commissions or Boards to control the plebiscite; the qualifications of the voters and the particulars relating to the payment of the indemnity; while I would call Your Excellency's attention to the fact that the Minister of Foreign Affairs (of Peru) in his anxiety that the negotiation should suffer no delay or obstruction, hastened to assure the Minister of Chile that he was ready, at the time, to discuss the conditions of the agreement relative to the compensation to be allowed to Chilean war-claimants, to which Article XII of the Treaty of Ancon refers; and that he would likewise give me instructions, as he in fact did, to negotiate the conditions upon which Peru would be willing to withdraw her opposition to arbitration by Switzerland, which had been arranged by Your Excellency's government and the Representative of France.

Following upon a brief review, which Your Excellency's predecessor requested from me relative to some of the conditions covenanted on the 26th of January, I had the pleasure to confer with him, with reference to those points still subject to discussion, in that same spirit of genuine reciprocity which animated the

Chilean Government and caused it to reject the Memorandum of the 19th of August, and caused the Government of Peru to formulate its proposals dated the 26th of January.

At this moment, unfortunately, the political events occurred which brought about the resignation of the Cabinet, presided over by Sr. Pedro Montt, and this compelled Sr. Blanco Viel, the Minister of Foreign Affairs, to inform me that it would be impossible to continue the negotiations, which therefore remained in suspense, even when the new Cabinet had been constituted, on account of the regrettable demise of the President of Peru, General Remigio Morales Bermudez, and until after his successor had been accorded recognition.

As soon as these formalities were carried out, and in obedience to my instructions, I hastened to reopen the interrupted conferences, in the expectation of finding in Your Excellency the same spirit of friendly cordiality which has animated my government throughout the course of this protracted negotiation, and so bring to an end the anomalous situation which obtains in the provinces of Tacna and Arica; whereupon I was advised of the attitude of Your Excellency's government on the occasion of the previously-referred-to interview of the 5th of July.

The Government of Peru, which ardently desires to bring this long-drawn out negotiation to maturity, and which had confidently expected that a satisfactory starting point had at last been reached in the bases of agreement of the 26th of January, which it looked upon as final, since no objection to them had been formulated and they had even been used as the foundation of subsequent negotiations, trusts, therefore, that for the purpose of arriving at a prompt and satisfactory solution, to which end I have personally spared no effort, Your Excellency will be good enough to favor me with the opinion to which I have referred at the beginning of this communication.

I take advantage of this opportunity to reiterate the assurances of my highest and most distinguished consideration.

R. RIBEYRO.

To His Excellency, Señor MARIANO SANCHEZ FONTECILLA,
Minister of Foreign Affairs of Chile.

Nota del Ministro Ribeyro, setiembre 21 de 1894, pidiendo una pronta solución de la discusion pendiente. (Citada circular de 1901. Pág. 210.)

Núm. 43.]

LEGACIÓN DEL PERÚ,
Santiago, setiembre 21 de 1894.

SEÑOR: Oportunamente puse en conocimiento de mi gobierno el resultado de la conferencia de 5 de julio del año corriente, que tuve la honra de solicitar de VE. con el objeto de reanudar las que, en el mes de febrero próximo anterior, me fué grato celebrar con el honorable antecesor de VE., para fijar en el protocolo respectivo las condiciones del plebiscito que ha de resolver definitivamente sobre la suerte ulterior de las provincias de Tacna y Arica: y he recibido instrucciones para dirigirme á VE. manifestándole que el gobierno del Perú, animado del más vivo y sincero deseo de ver solucionada de una manera honrosa y equitativa tan importante cuestión, íntimamente ligada á los intereses verdaderos y estables de Chile y el Perú, no vacila en creer que el de VE., movido sin duda por los mismos propósitos, se dignará trasmitirle, en vista del curso y estado de la negociación, sus miras y opiniones en ese orden, y los medios que, en su concepto, pueden conducir al apetecido término de la negociación pendiente.

Los antecedentes que VE. habrá tenido á la vista, manifiestan que invitado de nuevo el señor ministro plenipotenciario de Chile en el Perú, en 4 de abril de 1893, para concertar las bases del protocolo, versó, desde luego, la discusión sobre la diversa manera con que se interpretaba por ambos negociadores el tratado de Ancón, resumiéndose el resultado de esas conferencias en las actas que sucesivamente suscribieron.

El 19 de agosto del mismo año, el ministro de relaciones exteriores del Perú, presentó un *memorándum* que contenía una serie de proposiciones concretas como base de la negociación, que sometidas por el señor ministro de Chile á su cancillería, no merecieron la aceptación de ésta, por las razones consignadas en el acta de 10 de noviembre.

Procediose, en consecuencia, á considerar otras bases de acuerdo, que esta vez quedaron convenidas en la forma que contienen las comunicaciones cambiadas en 26 de enero del año corriente.

Es oportuno, recordar, con este motivo, que aparte de que el ministerio de relaciones exteriores tuvo, á no dudarlo, conoci-

miento del curso é incidentes de esta negociación, el infrascrito halló ocasión de hablar de ella con el honorable antecesor de V. E. cuando recibió encargo de su gobierno para salvar las dificultades y reservas que el plenipotenciario chileno presentaba al acuerdo de que entre las bases discutidas se incluyese el derecho eventual del Perú para rectificar la frontera entre ambos territorios, en el caso de que el plebiscito fuese favorable á Chile; gestión que, apoyada en el fundamento de reciprocidad que el plenipotenciario chileno hizo en su caso valer, tuvo éxito satisfactorio.

Una vez ajustadas las bases de 26 de enero, y como el señor ministro de Chile hubiese declarado que sus instrucciones no tenían mayor amplitud, el gobierno peruano decidió confiarme el encargo de proseguir la negociación, reducida ya á establecer sobre el fundamento de la reciprocidad, la composición de las comisiones ó juntas para el plebiscito, las calidades de los sufragantes y los detalles relativos al pago de la indemnización; debiendo, además, hacer notar á V. E., que el señor ministro de relaciones exteriores, en su solicitud por que la negociación no sufriese retardo ó entorpecimiento, se apresuró á declarar al señor plenipotenciario de Chile, que no tenía inconveniente para discutir, desde luego, los términos del convenio sobre indemnización á los damnificados chilenos, de que hace mención del artículo 12 del tratado de Ancón; y que, así mismo, me daría instrucciones, como en efecto lo hizo, para negociar las condiciones bajo las cuales podría retirarse la oposición del Perú al arbitraje suizo, estipulado por el gobierno de V. E. con el representante de Francia.

Prevía una breve explicación, que el recordado predecesor de V. E. me pidiera sobre algunas de las bases acordadas en 26 de enero, me fué en extremo grato cambiar ideas con él, en lo relativo á los puntos sujetos todavía á discusión, partiendo de una honrosa reciprocidad, de acuerdo con el espíritu del gobierno chileno, al rechazar el memorándum del 19 de agosto, y del gobierno del Perú al formular la propuesta de 26 de enero.

Desgraciadamente, ocurrió entonces la crisis política que originó la dimisión del gabinete presidido por el señor don Pedro Montt, manifestándome, con tal motivo, el señor Blanco Viel, ministro de relaciones exteriores, la imposibilidad de proseguir la negociación, que quedó así en suspenso, aun después de constituir el nuevo gabinete, por el sensible fallecimiento del presidente del Perú, señor general don Remigio Morales Bermúdez y hasta el reconocimiento de su sucesor.

Apenas realizado éste, y obedeciendo á mis instrucciones, me apresuré á reanudar las interrumpidas conferencias, con la esperanza de hallar en V. E. el espíritu de amistosa cordialidad que ha guiado á mi gobierno en el curso de esta dilatada negociación, y de poner término á la anormal situación en que se encuentran las provincias de Tacna y Arica; habiendo tenido entonces oportunidad de escuchar la resolución del gobierno de V. E. en la referida entrevista de 5 de julio.

El gobierno del Perú, que anhela llegar á la conclusión de tan laborioso negociado, y que se lisonjeaba de haber arribado á un punto de partida seguro, con las bases del 26 de enero, que estimó perfeccionadas por el hecho de no haber recibido comunicación en contrario y de haberse iniciado negociación sobre ellas, considera, asimismo, que en interés de una solución rápida y satisfactoria, para la cual he procurado no excusar sacrificio, V. E. se dignará honrarme con la comunicación á que me he referido al principio.

Aprovecho esta oportunidad para renovar á V. E. las seguridades de mi más alto aprecio y distinguida consideración.

R. RIBEYRO.

Al excelentísimo señor don MARIANO SÁNCHEZ FONTECILLA,
Ministro de Relaciones Exteriores de Chile.

Conferences of the Chilean Minister in Lima, Sr. Maximo R. Lira, August 5 to December 31, 1895. (Circular of 1901, already quoted, pp. 235-253.)

On this date there were met in the Department, the Minister of Foreign Affairs, Sr. Manuel Candamo, and the Envoy Extraordinary and Minister Plenipotentiary of Chile, Sr. Maximo R. Lira, at the latter's request, who stated that he had solicited this conference for the purpose of inviting the former to discuss the conditions for the protocol, referred to in Article III of the treaty of October 20, 1883.

The Minister of Foreign Affairs said: that the Council (Junta) of which he is a member, being a Provisional Government, the authority of which would soon expire, he thought that perhaps the moment was not appropriate to undertake a negotiation of such a nature, adding that Sr. Lira had thought so likewise, as when he called at the Department to take leave before starting on his journey to Chile, he had said that he was taking a leave of absence granted by his government, because he believed that the discussion of this delicate international matter would have to be postponed until the new government would be established, owing to the provisional character of the Council.

The Minister of Chile replied saying that the recollection invoked by Sr. Candamo was correct, and he indeed believed, for a time, that the Government Council (Junta de Gobierno) would not undertake the discussion of international questions. He transmitted this impression to his government, and the latter, in the belief that such questions would not be dealt with, had authorized him to leave Lima. Subsequently, however, this same Council, by accrediting a Plenipotentiary to the Government of Bolivia and arranging to send another to Santiago, allowed it to be understood that it considered the moment opportune to examine those issues, and that it intended to discuss them; for it was only natural that they should be contained in the instructions which were furnished to Ministers on being accredited abroad. And, although the Council must later be dissolved, it would always be advisable to gain time and forward the labor of the negotiations, all the more so, as the Minister of Chile remarked,

since this will not be time wasted because he understands that the Council will proceed in this matter in agreement with the Executive, already decided upon, of the future government.

The Minister of Foreign Affairs promised to submit to the consideration of the Government Council the Chilean Minister's invitation, whereupon the conference was adjourned.

M. CANDAMO.

M. R. LIRA.

LIMA, *August 5, 1895.*

On this date there were met in this Department, the Minister of Foreign Affairs, Sr. Manuel Candamo, and the Envoy Extraordinary and Minister Plenipotentiary of Chile, Sr. Maximo R. Lira, when the former stated that he was ready to hear the proposals which the latter might wish to make for the carrying out of the plan announced during the conference of the 5th instant.

The Minister of Chile stated that as the treaty of Ancon contemplated the possibility of the annexation to Chile of the provinces of Tacna and Arica, he wished to know whether, in the judgment of Peru, an arrangement could be negotiated whereby this result could be attained without the necessity for making an appeal to the plebiscite, the Minister submitting numerous reasons, in support of a direct adjustment, mainly inspired by the necessity for assuring the peace of South America.

The Minister of Foreign Affairs replied that he did not consider any direct adjustment as being acceptable which was not based upon the prerequisite of the return to Peru of the provinces of Tacna and Arica, upon which point national patriotism was firmly determined; and that precisely as Chile appeared determined to uphold the expectations furnished her by the Treaty of Ancon, Peru was determined to maintain hers.

This point was exhaustively debated until the close of the conference, an agreement being reached that all proposals relative to a settlement of the issue through direct adjustment would be excluded from the negotiations.

M. CANDAMO.

M. R. LIRA.

LIMA, *9th of August, 1895.*

On this date there were met in this Department, the Minister of Foreign Affairs, Sr. Manuel Candamo, and the Envoy Extra-

ordinary and Minister Plenipotentiary of Chile, Sr. Maximo R. Lira.

The Minister of Foreign Affairs declared that as a means of securing a settlement by direct adjustment (between the parties) of the matter relative to the future status of the provinces of Tacna and Arica had been excluded from the debate, it would be appropriate to undertake the discussion of the conditions for the plebiscite, beginning with the settlement of the manner for determining which was to be the constituted authority that will preside over the proceedings.

The Minister of Chile stated that, in his opinion, a beginning should be made from a different angle. The treaty of Ancon, he observed, has subjected the fate of the provinces of Tacna and Arica to two essential conditions: that a plebiscite shall award them either to Peru or to Chile, and that whichever of these two nations that obtains them, shall pay a considerable sum of money to the other. It is therefore imperative, so as to secure the validity of the voting in the plebiscite, to previously ascertain whether the nations possess the means to carry out the second of these conditions. Agreeably with this point of view, the Minister of Chile offered to guarantee, in behalf of his government, the ability of Chile to effect the payment of the amount it would have to pay in the event of being favored by the plebiscite, and he requested the Minister of Foreign Affairs to do as much with respect to Peru.

The Minister of Foreign Affairs replied that Peru would be in a position to pay the indemnity which she might incur by means of Government bonds (*bonos de la deuda interna*) or in money, at a date no later than one year counted from the date of the ballot through which the provinces of Tacna and Arica would be returned.

The Minister of Chile did not consider these terms acceptable. Neither a payment in bonds, because this would be tantamount to leaving the matter unconcluded with the resultant relations of creditor and debtor still outstanding between Chile and Peru, a situation which is usually the origin of difficulties and friction, nor was the payment within a certain period of time acceptable, for Chile and Peru would find themselves in an awkward position if the former, as would be natural, should continue to occupy Tacna and Arica until the latter should have completed the payment of the indemnity. Besides, he added, the suggested period is unnecessary because Peru may, from now on, raise the

amounts she would owe Chile and have them ready against the time when the plebiscite shall have taken place, which would probably be within a year, more or less, from the present date.

Upon being requested by the Minister of Foreign Affairs to make his proposition clearer on this point, the Minister of Chile stated that an agreement might be entered into more or less as follows: One month subsequent to the publishing of the award of the plebiscite, in case the result should be unfavorable to her, Chile would return the provinces of Tacna and Arica to Peru, who would then pay to Chile the amounts which would be due to her; Chile, for her part, would undertake the same obligations. It is understood, of course, that such a payment would have to be adequately guaranteed.

The Minister of Foreign Affairs replied that he would consult the matter with his Colleagues of the Council, thus bringing the conference to an end.

M. CANDAMO.

M. R. LIRA.

LIMA, *August 20, 1895.*

On this date there met in this Department, the Minister of Foreign Affairs, Sr. Manuel Candamo, and the Envoy Extraordinary and Minister Plenipotentiary of Chile, Sr. Maximo R. Lira.

The matter which was left in abeyance after the last conference, relative to the guarantees and time of payment required for the delivery of the sum which, pursuant to the provisions of the Treaty of Ancon, must be effected by the country that, as a consequence of the plebiscite, shall acquire the final sovereignty of the provinces of Tacna and Arica, was again taken up.

The Minister of Foreign Affairs stated that the time limit of one month suggested by the Minister of Chile, was too short and that the least period to be agreed upon should be six months from the publication of the award of the plebiscite, and that, with respect to guarantees, he did not consider it necessary to stipulate regarding any special security, because some such agreement would surely be effected to provide against the contingency of the payment not being completed within the time agreed upon.

The Minister Plenipotentiary of Chile said, on his part, that he insisted in considering the time limit, which he had ventured to suggest at the previous conference, ample for two reasons: first,

because Peru might have been accumulating funds to pay for the ransom of the provinces of Tacna and Arica since the treaty of Ancon was signed in October, 1883, by which the payment of a sum of money by her was stipulated; and, second, because she can, even now, take the necessary steps to obtain these amounts, for which purpose she still has over a year, which will surely be the time which will elapse from now until the promulgation of the award of the plebiscite. In connection with the security which, in his opinion, should be mutually exchanged by Chile and Peru for the purpose of insuring the due execution of the verdict of the plebiscite, Sr. Lira said that he still considered it necessary for the reasons which he had extensively furnished during other conferences, the validity of which was still unimpaired. Nevertheless, he said finally, perhaps the substitution of this guarantee for some other arrangement which would, in some other fashion, secure the permanent settlement of the matter relative to the future nationality of the territory of Tacna and Arica, might perhaps be acceptable.

Whereupon the conference was adjourned.

M. CANDAMO.

M. R. LIRA.

LIMA, August 23, 1895.

On this day were assembled in the Department of Foreign Affairs, the Minister thereof, doctor Meliton F. Porras, and the Envoy Extraordinary and Minister Plenipotentiary of Chile, Mr. Maximo R. Lira.

The Minister of Foreign Affairs declared that he had called the Minister of Chile for the purpose of proceeding with the conferences undertaken with his predecessor, since it was the firm intention of his government to bring the present conversations to a successful close. He likewise desired, at the outset, to leave on record that the position of the Peruvian Government, in assenting to a discussion of the time limit for the payment by Peru of the indemnity, in case the plebiscite should be favorable to her, was no other than to arrive at a logical deduction of the letter and spirit of the Treaty, which uses the plural "time limits" and "terms" when referring to the payment, which undoubtedly conveys the impression of a certain discretionary latitude in the manner of effecting the payment, completely at variance with the interpretation given thereto by the Minister of Chile, who, as the

extremest concession, held to the term of a single month for the payment of the amount in question.

The Minister of Chile stated that it was likewise the desire of his government, expressed on previous occasions, to speedily reach a settlement of the questions left undecided by the Treaty of Peace of 1883; declaring that he now reiterated the reasons he had given to Sr. Candamo to emphasize his suggestion that a time limit be agreed upon for the payment of the sum referred to in Article III of the Treaty; because, as he said, a time limit of some kind would have to be set, which, according to the provisions of that Article, could be short or long, a matter of months or of years. He declared, in addition, that he had suggested the period of one month after the publication of the verdict of the plebiscite, merely as a basis for discussion, under the impression that both Chile and Peru had abundant reasons for wishing the period to be short, and no fundamental reasons for wishing it to be protracted.

The Minister of Foreign Affairs said, in reply, that he did not believe this to have been the intention of the negotiators of the Treaty, but that, in any case, he was not making a special point of this, and that he would confine himself to proposing an idea which, besides overcoming every difficulty, was inspired by a high and lofty ideal, and this was that both nations should mutually forego all claim to the indemnity, since it was hardly compatible with feelings of nationality to allow a matter of money to intrude upon the question of the loss or gain of inhabited territories, and that finally, the expectations, equally entertained by one and the other parties, make the mutual renunciation both fair and practicable.

The Minister of Chile said that, without expressing an opinion upon the substance of this proposal, he considered its acceptance very improbable, for the reason that it amounted to a repeal instead of the application of a part of Article III of the Treaty of 1883; that if such a course were to be followed, it would be necessary to postpone the holding of the plebiscite until the new agreement were sanctioned, and that as it would require the approval of the Legislatures of both countries, which might or might not give it priority, this postponement would probably become indefinite. At all events, as this proposal had not been contemplated in his instructions, he would consult his government upon it, in case the Minister insisted.

The advisability of this consultation being admitted, after a

brief debate, it was agreed to adjourn the conference and to hold another meeting as soon as the Minister of Chile should have received a reply from his government.

M. F. PORRAS.

M. R. LIRA.

LIMA, *October 4, 1895.*

On this day there met in the Department of Foreign Affairs, the Minister thereof, Dr. Meliton F. Porras and the Envoy Extraordinary and Minister Plenipotentiary of Chile, Sr. Máximo R. Lira, for the purpose of again taking up the discussion of the conditions for the plebiscite which is to determine the status of Tacna and Arica.

The Minister of Chile stated that he had received a reply from his government to the inquiry which he had sent, regarding the proposal made by the Minister of Foreign Affairs, to the effect that both parties should relinquish all claims to the indemnity provided for in the Treaty of Ancon, a proposal his government declared was unacceptable for the same reasons upon which he had founded his objection thereto during the previous conference. He added that the time, therefore, had arrived for a resumption of the negotiations relative to the matter of the time limit to be set for the payment of the indemnity.

The Minister of Foreign Affairs said that, notwithstanding the facilities evidently meant should be granted to the country which should become the debtor, as was clearly inferred from Article III of the Treaty of Ancon, he waived them all in the name of his government, because Peru was perfectly convinced of her ability to pay the indemnity, in case the result of the plebiscite should be favorable to her, within any period agreed upon, even were the latter considerably less than that one month, so steadily insisted upon by the Minister of Chile.

With regard to this, the Minister of Chile declared that he had suggested the period of one month because he believed it would be acceptable to both countries; but not as an exaction, and that in proof thereof, he would now suggest that it be extended to three months.

The Minister of Foreign Affairs concurred in this suggestion.

The Minister of Chile then declared that it would be proper to take up the matter of the guarantees which would assure the due execution of the agreement, because a possible failure to carry out the obligations, should also be contemplated, though, aside

from this, the declarations and promises of the Peruvian Government were by no means impugned. Caution, however, suggested the advisability of providing for the contingency of the non-fulfilment of the agreement, and on this point Chile offers to furnish identical guarantees as those demanded by her.

The Minister of Foreign Affairs did not see that it was necessary to furnish any security other than that which would be implied in the covenant itself, which would be negotiated to determine the conditions of the plebiscite, and the signatures which would complete it; that as far as the undertaking of the Peruvian Government was concerned, Chile was amply guaranteed by the possession of the pledge itself, namely the territory of Tacna and Arica, as well as by the spirit of nationalism, which is the best of all possible incentives, and sufficient, at all events, to assure the payment of the indemnity.

The Minister of Chile insisted in his views; and this entailed a lengthy discussion which was, by mutual consent, postponed until the following day at the suggestion of the Minister of Foreign Affairs.

M. F. PORRAS.

M. R. LIRA.

LIMA, *October 8, 1895.*

On the 9th of October, 1895, there met at the Department of Foreign Affairs, the Minister thereof Dr. Meliton F. Porras, and the Envoy Extraordinary and Minister Plenipotentiary of Chile, Mr. Maximo R. Lira.

Following a protracted discussion upon the point which had arisen during the previous conference, and no agreement having been reached, it was decided that both sides would leave on record, by means of separate notes, the reasons why no solution on the matter had been arrived at.

M. F. PORRAS.

M. R. LIRA.

LIMA, *October 24, 1895.*

On this day there met at the Department of Foreign Affairs the Minister thereof, Dr. Meliton F. Porras and the Envoy Extraordinary and Minister Plenipotentiary of Chile, Mr. Maximo R. Lira.

The Minister of Foreign Affairs said that he had summoned

the Minister of Chile for the purpose of agreeing as to the terms in which the minutes of the previous conference should be drafted, a matter which was to precede the reciprocal exchange of notes of which mention was made during the course of that conference.

After an exchange of ideas on the subject of what had been agreed to on that occasion, and on the causes which brought about the agreement, it was decided to suspend its effects until the Minister of Chile should have received an answer from his government to the enquiry which he had consented to send, in respect to the concession which the Peruvian government was making in the matter of guarantees, and with respect also to the idea of discussing the conditions of the plebiscite, thus postponing the question which had originated the difficulties.

M. F. PORRAS.

M. R. LIRA.

LIMA, *October 24, 1895.*

On this day there met at the Department of Foreign Affairs, the Minister thereof, Dr. Melitón F. Porras, and the Envoy Extraordinary and Minister Plenipotentiary of Chile, Sr. Máximo R. Lira.

The Minister of Chile stated that he had received a reply from his government to the enquiry which he had volunteered to send during the previous conference, but the answer left matters precisely where they were before, since he was instructed to insist upon his demand for a guarantee. The Chilean Government, he said, had doubtless decided that a continued occupation of the territory could not be considered a sufficient guarantee, since this would enable Peru to take the longest possible time for the payment of the indemnity, and nullify what had already been agreed upon with regard to time limits. The Chilean Government did not consider it advisable, either, to postpone the consideration of this point in order to undertake the discussion of the conditions of the plebiscite, since it was obvious that nothing would be gained by avoiding a difficulty at this time which must necessarily come up later. We must continue, therefore, he concluded, to discuss the matter of the guarantees until a solution shall be found for it.

The Minister of Foreign Affairs replied that in view of the unyielding attitude of the Chilean Government, the difficulties which had arisen were apparently bound to subsist, for he saw no way of surmounting them if the Chilean Government persisted

in propounding such inadmissible demands. He added that Peru was willing to pay the ransom, and that it would undertake to furnish the necessary security which would permit of the raising of the loan required to pay Chile the ten million, in case the latter should become the creditor, and that she would make this sacrifice in order to secure some practical result; but that first, it was necessary to know whether a result could be attained. He added that Peru could invoke the spirit of the treaty and ask for generous terms and facilities, compatible with her economical situation, but that she had not insisted upon this point so as to prove her good-will in the matter. He concluded by saying that, in any event, it was impossible to conjure up, at a moment's notice, the guarantees which the Chilean Government demanded, since Peru had no funds on deposit and would have to raise a loan and secure the income for its service; all of which naturally demanded time.

The Minister of Chile replied to this by saying that he did not understand why the Minister for Foreign Affairs should term a request inadmissible when its only purpose was to assure the proper carrying out of the plebiscite, guaranteeing against the possibility that, once it had taken place, its verdict could not be made effective, owing to one of the parties not being able to fulfill its obligations. Such a request cannot be interpreted as exerting pressure on Peru, and as proof of the fact that such is not our purpose, should the Minister of Foreign Affairs desire to take time to undertake the preparation of the guarantees, and will ask for a delay, it is almost certain that the Chilean Government would have no objection to consenting to any length of time. In such an event, the plebiscite could be carried out with the certainty that it would fulfill every expectation, because, upon being held and being favorable to Peru, Chile would, within the time limit of three months or in a shorter period, have returned the territory and Peru would have settled the indemnity.

The Minister of Foreign Affairs said that he could not agree with the last declaration of the Minister of Chile, since the verdict of the plebiscite inevitably carried with it the necessity for the immediate delivery of the territory, a matter which could not be subordinated to the payment of the full ten million, especially as the treaty mentioned time limits and terms, which might mean years; and since guarantees were to be given, which were to be to Chile's complete satisfaction, he could see no reason for demanding still another security, namely the continued custody of the terri-

tory, when the former ones fulfilled the purpose by providing this security.

The Minister of Chile said, in view of these declarations, that he could not believe the Minister of Foreign Affairs implied that the Treaty of 1883 would admit of no interpretation other than the one just given to it by him. In his opinion, since the Treaty clearly provides that that country of the two, which shall be favored by the plebiscite, shall pay to the other a certain sum of money, there can be no doubt that the payment must be made immediately or within a reasonable time, to be agreed upon in advance. But the return of the territory, in case Peru is favored, must be coincident with the payment of the indemnity, and this interpretation is strengthened by a reason of much weight. While still adhering to the hypothetical nature of this discussion and keeping to the theory advanced by the Minister of Foreign Affairs, Chile would have fulfilled every obligation imposed upon her by the Treaty upon returning the territory in question; whereas Peru would scarcely have given security for the subsequent fulfilment of her obligations. As this result would hardly be fair, said the Minister of Chile in conclusion, the exact interpretation of the Treaty cannot be one which develops a consequence such as this; while that which consults the fulfilment of analogous obligations under conditions of strict equality for both sides would appear to be the more reasonable.

After a lengthy discussion of this point, and no agreement having been reached, the Minister of Foreign Affairs stated that although the interpretation given to the treaty by the Minister of Chile was impossible of acceptance, he, nevertheless, desired to communicate to his government the conclusions he had presented.

Whereupon the conference was adjourned.

M. F. PORRAS.

M. R. LIRA.

LIMA, *October 30, 1895.*

No. 177.]

CHILEAN LEGATION,
Lima, November 23, 1895.

SIR: During the month of August, ultimo, the undersigned entered into negotiations with Sr. Candamo, President of the Council and Minister of Foreign Affairs, for the purpose of carrying into execution the provisions of Article III of the Peace Treaty of the 20th of October, 1883, negotiations which were continued

subsequently with Your Excellency. In our conference of the 30th of October last, the discussion was practically deadlocked on the issue relative to the guarantees to be covenanted in order to assure the efficient execution of the plebiscite.

"After a lengthy discussion of this point," state the minutes of this conference, "and no agreement having been reached, the Minister of Foreign Affairs stated that, although the interpretation given to the Treaty of Ancon by the Minister of Chile was impossible of acceptance, he desired, nevertheless, to communicate to his government the conclusions presented to him."

As more than three weeks have already gone by since the date of the above-mentioned conference, I am taking the liberty to request Your Excellency to advise me whether the interrupted and exhaustively discussed negotiation is to be resumed, or whether Your Excellency's government has come to a decision upon the point which Your Excellency, according to the minutes mentioned above, desired to bring to its attention.

I avail myself of this further opportunity to tender to Your Excellency the reiterated expression of my highest consideration.

M. R. LIRA.

To His Excellency Dr. MELITON F. PORRAS,
Minister of Foreign Affairs of Peru.

On this day there met, at the Department of Foreign Affairs, the Minister thereof, Dr. Ricardo Ortiz de Zavallos, and the Envoy Extraordinary and Minister Plenipotentiary of Chile, Sr. Máximo R. Lira.

The Minister of Foreign Affairs stated that he had delayed arranging for this interview owing to having accepted the portfolio of Foreign Affairs a few days ago and being desirous of making himself acquainted with the condition of the unfinished negotiations.

The Minister of Chile replied that he had understood as much, and, for this reason, had waited to receive a reply to his communication of the 23rd of last November.

The Minister of Foreign Affairs said that he noted that the Chilean Government still insisted in its demand that Peru should give security for the due carrying out of the plebiscite, and although he likewise, in this respect, maintained the declarations previously made by the Department relative to the interpretation of the Treaty of Ancon, he proposed, in his anxiety to remove all difficulties, that an agreement be entered into now, to determine the

manner in which the plebiscite should be carried out; adding that this would be no bar to an immediate consideration of the security for the payment of the ten million, a matter upon which the Peruvian Government was bestowing its exceptional attention, the successful resolution of which was a corollary to the former suggestion.

The Minister of Chile observed that this proposal had already been made to him by Sr. Porras and was rejected for the reasons given in the minutes of one of the previous conferences, a sufficient motive, so he thought, to make it useless for him to submit it once more to his government.

No agreement having been reached, the conference was then adjourned.

RICARDO ORTIZ DE ZEVALLOS.
M. R. LIRA.

LIMA, *December 17, 1895.*

On this day there met at the Department of Foreign Affairs, the Minister thereof, Dr. Ricardo Ortiz de Zevallos, and the Envoy Extraordinary and Minister Plenipotentiary of Chile, Sr. Máximo R. Lira.

The Minister of Foreign Affairs said that at the present stage of the discussions, it was imperative to ascertain what guarantees the Chilean Government demanded, and he would therefore request Sr. Lira to definitely state what were the conditions which these guarantees should fulfill.

The Minister of Chile replied that, as he had already mentioned during former conferences, he did not believe that it was his government's place to specify what guarantees Peru should offer, and that he would leave it to the Minister of Foreign Affairs to designate those which his government could furnish.

After a protracted discussion, it was mutually agreed to adjourn the conference until the 31st instant, when the Minister of Foreign Affairs promised to mention those guarantees which Peru would be willing to give.

RICARDO ORTIZ DE ZEVALLOS.
M. R. LIRA.

LIMA, *December 27, 1895.*

On this day there met at the Department of Foreign Affairs, the Minister thereof, Dr. Ricardo Ortiz de Zevallos, and the

Envoy Extraordinary and Minister Plenipotentiary of Chile, Sr. Máximo R. Lira.

The Minister of Foreign Affairs said that the Government and Congress had taken into consideration, in a very special manner, the matter of the payment of the ten million, which Peru was to deliver to Chile in case the plebiscite should be favorable to her; and for that definite purpose, the Legislature had fully authorized the government to issue a loan for ten million "soles," and had, by a special law for that specific purpose, levied a tax on the salt monopoly, whose returns the government calculated would yield a minimum of one million "soles" per annum. He added that such a security could be doubled, but that, in any event, Peru undertook to complete the payment of one million yearly, pledging for that purpose the customs receipts of the port of Callao, the highest security at the command of the nation. This, said the Minister of Foreign Affairs, is the guarantee which the Peruvian Government offers to that of Chile until the loan is floated, the service for which cannot be better guaranteed; and this, in addition to allowing Chile to retain possession of the territories in occupation and to collect the customs duties therein.

The Minister of Chile replied that from the statement he had just listened to, he gathered that the Peruvian Government had undertaken to pledge its revenues so as to obtain a loan for the amount required by the probable return of Tacna and Arica; but it did not follow that the government would necessarily succeed in obtaining this loan. In fact, it might be that the financiers to whom application would be made might not be willing to furnish the money, in the belief that the guarantee of the salt monopoly was insufficient, and in that case, as Peru would be unable to pay the indemnity, the verdict of the plebiscite would be worthless, which is precisely what the Chilean Government is anxious to avoid. In other words, the guarantee offered by the Minister of Foreign Affairs, is practically equivalent to a promise to pay Chile a million soles, minimum, a year, on account of the indemnity should no financier be found willing to loan the full amount; and Chile would be in the position, in such an event, of a money-lender, a situation which cannot for a moment be entertained.

After a lengthy discussion on this point, the Minister of Chile asserted that he did not consider it even necessary to consult his government in order to declare the above proposition to be inadmissible, and concluded by saying that it was quite time to carry out the exchange of notes agreed upon with Dr. Porras, for

the purpose of summing up the result of these conferences, and that he would therefore expect the one to be addressed to him by the Minister of Foreign Affairs on the subject.

RICARDO ORTIZ DE ZEVALLOS.
M. R. LIRA.

LIMA, *December 31, 1895.*

Nº 74

Conferencias del Ministro chileno en Lima, D. Máximo R. Lira, agosto 5 a diciembre 31 de 1895. (Citada circular de 1901, págs. 235 a 252.)

El día de la fecha, reuniéronse en este despacho el ministro de relaciones exteriores, don Manuel Candamo, y el enviado extraordinario y ministro plenipotenciario de Chile, don Máximo R. Lira, por petición de éste último, quien expuso que había solicitado esta conferencia con el objeto de invitar al primero á discutir las bases del protocolo á que se refiere el artículo 3.º del tratado de 20 de octubre de 1883.

El señor ministro de relaciones exteriores dijo: que siendo la junta á que pertenece un gobierno de transición, cuyo mandato terminaría en breve tiempo, consideraba que, talvez, no era oportuno el momento para abrir una negociación de esa naturaleza; y agregó que el señor Lira también lo había conceptuado así, pues cuando estuvo á despedirse en el ministerio antes de emprender su viaje á Chile, le manifestó que hacía uso de la licencia que su gobierno le había concedido porque creía que la discusión de este delicado asunto internacional tendría que aplazarse hasta que se estableciera el nuevo gobierno, en vista del carácter provisional de la junta.

El señor ministro de Chile contestó, diciendo, que era exacto el recuerdo invocado por el señor Candamo, y que efectivamente creyó, durante cierto tiempo, que la junta de gobierno no abordaría la discusión de cuestiones internacionales. Así lo hizo presente á su gobierno, y éste persuadido también de que esas cuestiones no serían tratadas, lo autorizó para ausentarse de Lima. Posteriormente, sin embargo, la misma junta, acreditando un plenipotenciario cerca del gobierno de Bolivia é intentando enviar otro á Santiago, dió á entender que creía oportuno ventilar aquellas cuestiones y que deseaba tratarlas, puesto que es natural que ellas fueran contempladas en las instrucciones que tenía que dar á los ministros que enviaba al extraanjero. Por lo demás, aunque

la junta haya de desaparecer luego, siempre convendría ganar tiempo y adelantar trabajo, con tanta mayor razón, dijo el señor ministro de Chile, desde que éste último no será perdido, porque supone que la junta procederá en este asunto de acuerdo con el jefe ya conocido del futuro gobierno.

El señor ministro de relaciones exteriores prometió someter á la consideración de la junta de gobierno la invitación del señor ministro de Chile, y, con esto, terminó la conferencia.

M. CANDAMO.

M. R. LIRA.

EN LIMA, á 5 de agosto de 1895.

El día de la fecha, reuniéronse en este despacho, el ministro de relaciones exteriores, don Manuel Candamo, y el enviado extraordinario y ministro plenipotenciario de Chile, don Máximo R. Lira, y el primero expuso que estaba dispuesto á oír las proposiciones que el segundo quisiera hacerle para la ejecución del proyecto enunciado en la conferencia del día 5.

El señor ministro de Chile expuso que, estando contemplada en el Tratado de Ancón la posibilidad de que las provincias de Tacna y Arica sean anexadas á Chile, deseaba saber si, á juicio del gobierno del Perú, cabría la negociación de un arreglo que condujese á obtener ese resultado sin necesidad de apelar al plebiscito, y presentó en favor del arreglo directo, numerosas consideraciones emanadas, principalmente, de la necesidad de proveer á la consolidación de la paz en la América del Sur.

El señor ministro de relaciones exteriores manifestó que no reputaba aceptable ningún arreglo directo que no tuviese por base la devolución al Perú de las provincias de Tacna y Arica, en que está firmemente empeñado el patriotismo nacional; y que así como Chile parecía decidido á mantener las expectativas que había creado en su favor el Tratado de Ancón, también el Perú estaba resuelto á mantener las suyas.

Discutióse ampliamente este punto hasta que terminó esta conferencia, quedando establecido que se eliminaban del debate todas las proposiciones tendentes á resolver la cuestión por medio de arreglos directos.

M. CANDAMO.

M. R. LIRA.

EN LIMA, á 9 de agosto de 1895.

El día de la fecha, reuniéronse en este despacho el señor ministro de relaciones exteriores, don Manuel Candamo, y el enviado extraordinario y ministro plenipotenciario de Chile, don Máximo R. Lira.

El señor ministro de relaciones exteriores expuso que, estando eliminada del debate la idea de buscar un arreglo directo para la resolución de la cuestión referente á la nacionalidad futura de las provincias de Tacna y Arica, sería ya tiempo de entrar á discutir bases para el plebiscito, y comenzar por establecer cómo se forma la autoridad que habrá de presidirlo.

El señor ministro de Chile manifestó que, en su concepto, debía comenzarse por otra parte. A dos condiciones sustanciales, dijo, ha sometido el Tratado de Ancón la suerte de las provincias de Tacna y Arica: que un plebiscito las adjudique al Perú ó á Chile, y que aquella de estas dos naciones que las obtenga pague á la otra una suma determinada de dinero. Se hace, pues, indispensable, para asegurar la eficacia del voto plebiscitario; averiguar previamente si aquellos disponen de medios para cumplir con la segunda condición. De acuerdo con este modo de pensar, el señor ministro de Chile ofreció, en nombre de su gobierno, garantizar suficientemente su capacidad para hacer el desembolso de la suma que debería pagar si el plebiscito le favoreciese, y pidió al señor ministro de relaciones exteriores que hiciese otro tanto por parte del Perú.

Contestó á esto el señor ministro de relaciones exteriores, que el Perú podría pagar la indemnización que le correspondiese en bonos de la deuda pública, ó en dinero, dentro de un plazo que no bajase de un año contado desde la fecha del voto que le hubiese devuelto las provincias de Tacna y Arica.

El señor ministro de Chile no encontró aceptables estos ofrecimientos. No el pago en bonos, porque eso equivaldría a no liquidar completamente la situación y dejaría subsistentes entre Chile y el Perú relaciones de acreedor á deudor, de que suelen surgir dificultades ó molestias. Tampoco el pago dentro de un plazo, porque Chile y el Perú quedarían colocados en una situación falsa si el primero, como parece natural, hubiera de continuar ocupando Tacna y Arica hasta que el segundo hubiese efectuado el pago de la indemnización. Por lo demás, agregó, el plazo indicado es innecesario, porque el Perú puede, desde ahora mismo, buscar las sumas que adeudaría á Chile y tenerlas prontas para cuando el plebiscito se haya efectuado, lo que sucederá probablemente en un año, más ó menos, contados desde la fecha.

Habiendo pedido el señor ministro de relaciones exteriores al señor plenipotenciario de Chile que precisase su proposición á este respecto, el último dijo que se podía acordar algo parecido á lo siguiente: un mes después de promulgado el fallo plebiscitario, Chile, si éste le fuese adverso, devolverá al Perú las provincias de Tacna y Arica, y el Perú pagará á Chile las sumas que resulte debiéndole; Chile, á su vez, contraerá una obligación idéntica. Es entendido que la efectividad de este pago debe ser garantizada, desde luego, suficientemente.

El señor ministro de relaciones exteriores dijo que consultaría el punto con sus colegas de la junta de gobierno, y terminó esta conferencia.

M. CANDAMO.

M. R. LIRA.

EN LIMA, á 20 de agosto de 1895.

En el día de la fecha, reuniéronse en este despacho el señor ministro de relaciones exteriores, don Manuel Candamo, y el enviado extraordinario y ministro plenipotenciario de Chile, don Máximo R. Lira.

Continuó tratándose el punto que había quedado pendiente en la conferencia anterior, relativo al plazo y garantías para el pago de la suma que, conforme á lo estipulado en el Tratado de Ancón, debe hacer al otro país aquel que, como resultado del plebiscito, adquiera el dominio definitivo de las provincias de Tacna y Arica.

El señor ministro de relaciones exteriores expuso que el plazo de un mes, fijado por el señor ministro de Chile, era demasiado estrecho, debiendo ser el menor que estipulase de seis meses, contados desde la promulgación del fallo plebiscitario, y que, en cuanto á garantías no juzgaba necesario que se pactara ninguna especial, toda vez que algo se ha de establecer para el caso de que no se efectúe el pago dentro del plazo convenido.

El señor ministro plenipotenciario de Chile dijo, por su parte, que insistía en considerar suficiente el plazo que se había permitido indicar en la conferencia anterior, por estas dos razones: 1. porque el Perú ha podido estar acumulando fondos para el rescate de las provincias de Tacna y Arica, desde que suscribió, en octubre de 1883, el Tratado de Ancón, en que se estipuló el pago de una suma de dinero por él; y 2.^a porque ahora mismo puede iniciar gestiones para obtener esos fondos, disponiendo así, con ese objeto,

de un plazo de más de un año, que será seguramente el que transcurrirá desde esta fecha hasta la de la promulgación del fallo plebiscitario. Con relación á la garantía que, en su concepto, deben ofrecerse mutuamente Chile y el Perú con el propósito de asegurar la ejecución del fallo plebiscitario, dijo el señor Lira que continuaba reputándola necesaria por las consideraciones que había expuesto latamente en otras conferencias y que conservan toda su fuerza. Sin embargo, concluyó, tal vez sería aceptable el reemplazo de esa garantía por alguna disposición que asegure de otro modo la resolución definitiva de la cuestión referente á la nacionalidad futura del territorio de Tacna y Arica.

Con esto, se suspendió la conferencia.

M. CANDAMO.

M. R. LIRA.

EN LIMA, á 23 de agosto de 1895.

El día de la fecha se reunieron en el despacho de relaciones exteriores, el ministro del ramo, doctor don Melitón F. Porras, y el enviado extraordinario y ministro plenipotenciario de Chile, don Máximo R. Lira.

El señor ministro de relaciones exteriores expuso que había citado al señor ministro de Chile con el objeto de continuar las conferencias iniciadas con su antecesor, puesto que era propósito firme de su gobierno llevar á término las discusiones entabladas, y que hacía constar, desde luego, que el ánimo de la cancillería peruana, al aceptar la discusión sobre el plazo en que pagaría el Perú la indemnización, si el plebiscito le favorecía, no era otro que el hacer una deducción del espíritu y de la letra del tratado, que emplea los plurales “plazos y términos” al referirse al pago; lo que indudablemente trae la idea de cierta amplitud en la forma de dicho pago, no compatible con las declaraciones del señor ministro de Chile, quien, como última concesión, había opinado por el plazo de un mes para la cancelación de la suma referida.

El señor ministro de Chile expresó que también era deseo de su gobierno, ya manifestado anteriormente, resolver pronto las cuestiones que dejó pendientes el tratado de paz de 1883; y reproduciendo, según lo expuso, las razones que había alegado ante el señor Candamo para fundar su petición de que se fijara un plazo para el pago de la suma á que el artículo tercero de aquel tratado se refiere, dijo, que alguno se había de determinar, y que él, conforme al texto de esa disposición, podía ser breve ó largo, de

días, de meses ó de años. Agregó todavía, que había indicado el plazo de un mes después de promulgado el fallo plebiscitario, como base de discusión, en la inteligencia de que Chile y el Perú tenían abundantes razones para desear que fuese breve, y ninguna fundamental para querer que fuera largo.

Dijo, en seguida, el ministro de relaciones exteriores que no creía posible fuera ese el concepto de los que negociaron el tratado, y que, en todo caso, no hacía cuestión de ello, y que se limitaba á proponer una idea que, además de salvar todas las dificultades, responde á un fin noble y levantado, y era esta la de hacer renuncia mutua de la indemnización, por que no está conforme con el sentimiento de la nacionalidad hacer mediar el dinero en la pérdida ó adquisición de territorios habitados, y que, últimamente, las expectativas que de una y otra parte se sostenían, hacen perfectamente igual y realizable la renuncia.

El señor ministro de Chile dijo, que, sin pronunciarse sobre el fondo de esta proposición, la consideraba de aceptación muy difícil, por cuanto ella importaría la derogación y no la aplicación de una parte del artículo tercero del tratado de 1883; que entrando por ese camino sería indispensable aplazar la realización del plebiscito hasta que el nuevo pacto estuviera sancionado; y que necesitándose par ello la intervención de los congresos de ambos países, que podían considerarlo ó no con preferencia, aquel aplazamiento resultaría siendo por plazo indeterminado. De todas maneras, no estando la proposición mencionada considerada en sus instrucciones, la consultaría á su gobierno si el señor ministro insistía en ella.

Reconocida, después de una ligera discusión, la conveniencia de dicha consulta, se resolvió dar por terminada la conferencia, y celebrar nueva reunión, una vez que el señor ministro de Chile obtuviese respuesta de su gobierno.

M. F. PORRAS.

M. R. LIRA.

EN LIMA, á 4 de octubre de 1895.

El día de la fecha se reunieron, en el ministerio de relaciones exteriores, el ministro del ramo, doctor don Melitón F. Porras, y el enviado extraordinario y ministro plenipotenciario de Chile, don Máximo R. Lira, para continuar la discusión sobre las condiciones del plebiscito, que debe decidir de la suerte de Tacna y Arica.

El señor ministro de Chile expuso, que había recibido contestación de su gobierno á la consulta que le hizo sobre la proposición del señor ministro de relaciones exteriores relativa á renunciar, por ambas partes, á la indemnización prevista en el Tratado de Ancón, declarándola inaceptable por las mismas razones con que él la había objetado en la conferencia anterior. Agregó que, por lo tanto, era llegado el momento de continuar ocupándose en la cuestión relativa al plazo para el pago de la indemnización.

El señor ministro de relaciones exteriores dijo, que, a pesar de las facilidades concedidas al país que resultare deudor por deducciones que se desprenden claramente del artículo 3.º del Tratado de Ancón, renunciaba á ellas en nombre de su gobierno, porque el Perú tenía seguridad completa de pagar la indemnización, en caso de que el fallo plebiscitario le fuese favorable, en cualquier plazo, aunque éste fuera menor que el de un mes, fijado por el señor ministro de Chile.

El señor ministro de Chile dijo, á este respecto, que el plazo de un mes lo había insinuado creyéndolo aceptable para ambos países; mas no como exigencia, y que en prueba de ello, indicaba ahora que se le ampliase á tres meses.

El señor ministro de relaciones exteriores convino en esta conclusión.

El señor ministro de Chile indicó, en seguida, que tocaba ocuparse de las garantías que asegurasen el cumplimiento de lo dispuesto, porque había que considerar la eventualidad posible de que se faltase á él, aún cuando, por otro lado, inspiraran plena confianza las declaraciones y promesas del gobierno del Perú. La previsión aconseja determinar lo que se hará en el caso de no cumplimiento de lo pactado, y á ese respecto, Chile ofrece las mismas garantías que pide.

El señor ministro de relaciones exteriores negó que fuese necesario establecer otras garantías que las que se desprendían del convenio mismo á que debía llegarse para fijar las condiciones del plebiscito y de las firmas que sustentaran ese convenio; que, por lo que hace á la obligación del gobierno del Perú, estaba Chile ampliamente garantido con la posesión de la prenda ó sea el territorio de Tacna y Arica, y con el sentimiento de la nacionalidad que es el mejor de los estímulos posibles, y suficiente en todo caso para garantizar el pago de la indemnización.

El señor ministro de Chile insistió en sus ideas, siguiéndose una detenida discusión que se convino en suspender para conti-

nuarla al día siguiente, á indicación del ministro de relaciones exteriores.

M. F. PORRAS.
M. R. LIRA.

EN LIMA, á 8 de octubre de 1895.

El nueve de octubre de mil ochocientos noventa y cinco se reunieron en el despacho de relaciones exteriores, el ministro del ramo, doctor don Melitón F. Porras, y el enviado extraordinario y ministro plenipotenciario de Chile, don Máximo R. Lira.

Después de haber discutido largamente el punto cuyo debate había sido iniciado en la conferencia anterior, y no habiéndose llegado á acuerdo alguno, convínose en que, por ambas partes y en nota separada, se haría constar las razones por las que no se había obtenido solución al respecto.

M. F. PORRAS.
M. R. LIRA.

LIMA, 24 de octubre de 1895.

El día de la fecha se reunieron en el despacho de relaciones exteriores, el ministro del ramo, doctor don Melitón F. Porras, y el enviado extraordinario y ministro plenipotenciario de Chile, don Máximo R. Lira.

El señor ministro de relaciones exteriores dijo que había citado al señor ministro de Chile con el objeto de acordar los términos en que debía ser redactada el acta de la conferencia anterior, hecho que debía preceder al envío recíproco de las notas de que se había hablado en esa conferencia.

Después de haber cambiado algunas ideas referentes á lo acordado en dicha ocasión y á las causas que motivaron ese acuerdo, convínose en dejarlo sin efecto hasta que el señor ministro de Chile obtuviese contestación de su gobierno sobre la consulta que ofreció elevarle acerca de la concesión que el gobierno del Perú hacía en materia de garantías, y sobre la idea de discutir las bases del plebiscito, aplazando el punto que había originado dificultades.

M. F. PORRAS.
M. R. LIRA.

LIMA, 24 de octubre de 1895.

El día de la fecha se reunieron en el ministerio de relaciones exteriores el ministro del ramo, doctor don Melitón F. Porras, y el enviado extraordinario y ministro plenipotenciario de Chile, don Máximo R. Lira.

El señor ministro de Chile expuso que había recibido contestación de su gobierno á la consulta que ofreció hacerle en la conferencia anterior y que ella dejaba las cosas en el mismo punto en que se encontraban antes, pues se le ordenaba insistir en la petición de una garantía. El gobierno de Chile, dijo, ha debido creer que no es tal la retención indefinida del territorio, por cuanto eso equivaldría á que el Perú se diese el plazo más largo posible para el pago de la indemnización y á que no tuviese efecto lo ya acordado en materia de plazos. Y en cuanto á que se postergue la consideración de este punto para entrar desde luego á acordar las bases del plebiscito, tampoco lo ha creído conveniente por la razón obvia de que nada se avanzaría evitando ahora una dificultad que había de presentarse más tarde. Seguiremos, pues, concluyó, discutiendo la cuestión de la garantía hasta darle una solución.

El señor ministro de relaciones exteriores indicó que, teniendo en cuenta la resolución del gobierno de Chile, quedaban subsistentes las dificultades presentadas, y que no veía manera de evitarlas desde que el gobierno de Chile planteaba exigencias inadmisibles. Agregó que el Perú estaba dispuesto á pagar el rescate y que se preocuparía de señalar las garantías que afianzasen el empréstito necesario para entregar á Chile los diez millones, en caso de que resultase éste acreedor, y que haría este sacrificio á fin de llegar á un resultado; pero que era preciso saber si ese resultado es posible. Agregó, que el Perú podía atenerse al espíritu del tratado y solicitar términos y facilidades amplias, compatibles con su situación económica; pero que no había insistido sobre el particular á fin de mostrar buena voluntad. Concluyó diciendo que, en todo caso, no era posible ofrecer en el día las garantías que el gobierno de Chile pretendía, puesto que el Perú no tiene dinero en depósito y le era preciso obtener un empréstito y señalar los medios de servirlo, para todo lo cual se necesita tiempo.

Contestó á esto el señor ministro de Chile, diciendo que no comprendía por qué el señor ministro de relaciones exteriores consideraba inadmisibile una petición que tiene por único objeto asegurar la eficacia del plebiscito, eliminando la eventualidad de que una vez practicado, no pudiera el fallo tener efecto por falta de cumplimiento de la obligación contraída por una de las partes.

Eso no es urgir al Perú, y en prueba de que no existe tal propósito, si el señor ministro de relaciones exteriores quisiera darse tiempo para preparar la garantía y pedir un plazo con ese objeto, es casi cierto que el gobierno de Chile no tendría dificultad para convenir en alguno. De ese modo, el plebiscito se podría efectuar con la certidumbre de que produciría todos sus efectos, porque una vez realizado y habiendo sido favorable al Perú, en el plazo ya convenido de tres meses ó en otro más breve, Chile habría devuelto el territorio y el Perú habría pagado la indemnización.

El señor ministro de relaciones exteriores dijo, que no podía convenir en la última afirmación del señor ministro de Chile, porque la decisión plebiscitaria imponía la obligación de la entrega inmediata del territorio, que no podía subordinarse al pago íntegro de los diez millones, desde que el tratado habla de plazos y términos, que podían ser de años, y desde que, estipulándose garantías que dieran absoluta confianza al gobierno de Chile, no había por qué exigir una garantía más, esto es, la retención del territorio, una vez que la garantía llenara el objeto de la seguridad buscada.

El señor ministro de Chile manifestó, con motivo de estas declaraciones, que no creía que el señor ministro de relaciones exteriores pretendiese que la única interpretación que admite el tratado de 1883 es la que él le da. A su juicio, desde que el tratado dice claramente que aquel de los dos países que sea favorecido por el plebiscito, debe pagar al otro una suma de dinero, no cabe duda alguna sobre que el pago debe hacerse inmediatamente ó en un plazo prudencial fijado con anterioridad. Pero la devolución del territorio, en caso de ser el Perú el favorecido, debe coincidir con el pago de la indemnización y esta inteligencia tiene en su abono una razón de mucho peso. Dentro siempre de la hipótesis que sirve de base á esta discusión y de la teoría del señor ministro de relaciones exteriores, cuando Chile hubiera devuelto el territorio, habría cumplido con la totalidad de las obligaciones que le impone el tratado; entretanto, el Perú apenas habría afianzado el cumplimiento posterior de las suyas. No siendo esto natural, concluyó el señor ministro de Chile, no puede ser tampoco la verdadera interpretación del tratado aquella que conduce á un resultado semejante, y debe parecer más admisible la que busca el cumplimiento de obligaciones correlativas en condiciones de estricta igualdad para ambas partes.

Discutido este punto y no habiéndose conseguido llegar á un acuerdo al respecto, el señor ministro de relaciones exteriores indicó que, no obstante lo inaceptable de la interpretación que el

señor ministro de Chile hacía del tratado, deseaba poner en conocimiento de su gobierno las conclusiones que había formulado.

Con lo cual se dió por terminada esta conferencia.

M. F. PORRAS.

M. R. LIRA.

LIMA, 30 de octubre de 1895.

Núm. 177.]

LEGACIÓN DE CHILE,

Lima, 23 de noviembre de 1895.

Señor MINISTRO: Iniciada por el infrascrito, en el mes de agosto último, con el Excmo. señor Candamo, presidente de la junta de gobierno y ministro de relaciones exteriores, la negociación tendente á dar cumplimiento al artículo 3.º del tratado de paz, de 20 de octubre de 1883, ella continuó con VE.; y en nuestra conferencia del 30 de octubre próximo pasado, quedó casi agotada la discusión sobre el punto relativo á las garantías que deberían estipularse para asegurar la eficacia del plebiscito.

“Discutido este punto, dice el acta de esa conferencia, y no habiéndose conseguido llegar á un acuerdo al respecto, el señor ministro de relaciones exteriores indicó que, no obstante lo inaceptable de la interpretación que el señor ministro de Chile hacía del tratado de Ancón, deseaba poner en conocimiento de su gobierno las conclusiones que había formulado.”

Como ya van trascurridas más de tres semanas desde la fecha de la recordada conferencia, me permito rogar á VE. que se sirva hacerme saber si la discusión interrumpida y ya casi agotada habrá de continuar, ó si el gobierno de VE. ha adoptado alguna resolución sobre el punto que VE., según el acta citada, quiso poner en su conocimiento.

Aprovecho esta nueva oportunidad para reiterar á VE. la expresión de mis sentimientos de consideración más distinguida.

M. R. LIRA.

A. S. E. el señor doctor don MELITÓN F. PORRAS,
Ministro de Relaciones Exteriores.

El día de la fecha reuniéronse, en el despacho de relaciones exteriores, el ministro del ramo, doctor don Ricardo Ortiz de Zevallos, y el enviado extraordinario y ministro plenipotenciario de Chile, don Máximo R. Lira.

El señor ministro de relaciones exteriores manifestó que había demorado esta entrevista por haberse hecho cargo de la cartera

sólo hacía pocos días y necesitar ponerse al corriente del estado de las negociaciones pendientes.

Contestó el señor ministro de Chile que así lo había comprendido y por esta razón había esperado la contestación á su oficio de 23 de noviembre próximo pasado.

El señor ministro de relaciones exteriores dijo que veía que el gobierno de Chile mantenía su exigencia de que el Perú diese una garantía para llevar á debido efecto el plebiscito y aún cuando él sostiene igualmente, á este respecto, las declaraciones hechos anteriormente por la cancillería, sobre el modo de interpretar el Tratado de Ancón, deseando apartar toda dificultad, proponía, desde luego, que se proceda á un acuerdo para definir la manera cómo debe efectuarse el plebiscito; y agregó, que esto no obstaba para que en seguida se tratase de la garantía del pago de los diez millones, asunto del que el gobierno peruano se preocupa de una manera preferente y cuya solución era complementaria de aquella.

El señor ministro de Chile observó que ya esta proposición había sido presentada por el señor Porras y quedado eliminada por las razones que se expresan en el acta de una conferencia anterior, y manifestó que, por eso, creía inútil consultarla nuevamente á su gobierno.

No habiéndose llegado á acuerdo alguno, se suspendió la conferencia.

RICARDO ORTIZ DE ZEVALLOS.
M. R. LIRA.

EN LIMA, á 17 de diciembre de 1895.

El día de la fecha reuniéronse en el despacho de relaciones exteriores, el ministro del ramo, doctor don Ricardo Ortiz de Zevallos, y el enviado extraordinario y ministro plenipotenciario de Chile, don Máximo R. Lira.

El señor ministro de relaciones exteriores dijo, que en el estado en que se hallaba el debate, era indispensable conocer las garantías que el gobierno de Chile exigía, y que con este propósito solicitaba del señor Lira que, de una manera concreta, expresara las condiciones que debían reunir dichas garantías.

El señor ministro de Chile contestó que, como ya lo había manifestado en otra conferencia, no creía que era á su gobierno á quien correspondía indicar las garantías que el Perú podía presentar, y que, por lo tanto, esperaba que el señor ministro de relaciones exteriores señalase las que su gobierno podía ofrecer.

Después de un detenido debate, se convino en aplazar esta conferencia hasta el 31 del presente, en que el ministro de relaciones exteriores ofreció designar las garantías que el Perú estaba dispuesto á otorgar.

RICARDO ORTIZ DE ZEVALLOS.
M. R. LIRA.

EN LIMA, á 27 de diciembre de 1895.

El día de la fecha reuniéronse, en el despacho de relaciones exteriores, el ministro del ramo, doctor don Ricardo Ortiz de Zevallos, y el enviado extraordinario y ministro plenipotenciario de Chile, don Máximo R. Lira.

El señor ministro de relaciones exteriores dijo: que el gobierno y el congreso se habían ocupado de una manera muy especial respecto al pago de los diez millones que el Perú debe entregar á Chile, en el caso de serle favorable el plebiscito; que, con ese determinado objeto, las cámaras habían autorizado ampliamente al gobierno para levantar un empréstito de diez millones de soles, y que, por ley especial para hacer el respectivo servicio, había creado el impuesto del estanco de la sal, cuyo producto reputaba el gobierno como de un rendimiento mínimo de un millón de soles anuales. Agregó que esa garantía podía duplicarse, pero que, en todo caso, el Perú se comprometía á completar la entrega del millón anual, afectando á ese servicio los productos de la aduana del Callao, que es la renta más saneada de la república. Es esta la garantía, dijo el señor ministro de relaciones exteriores, que ofrece el gobierno del Perú al de Chile mientras se llega á colocar el empréstito, cuyo servicio no puede estar más garantido; y esto sin perjuicio de que Chile retenga los territorios ocupados y perciba las rentas de esas aduanas.

El señor ministro de Chile contestó, que de la exposición que acababa de oír, resultaba que el gobierno del Perú se había preocupado de arbitrar recursos para obtener en préstamo la suma del rescate eventual de Tacna y Arica; pero que ella no demostraba que seguramente la obtendría. En efecto, es admisible que los capitalistas á quienes tendrá que acudir no faciliten dinero porque crean insuficiente la garantía del estanco de la sal, y en ese caso, no habiendo podido el Perú efectuar el pago de la indemnización, el fallo plebiscitario quedaría sin efecto, que es precisamente lo que el gobierno de Chile desea evitar. De suerte, pues, que quedando reducida la garantía que el señor ministro de rela-

ciones exteriores presenta al ofrecimiento que hace de pagar á Chile un millón de soles, *mínimum*, anualmente, á cuenta de dicha indemnización, en la eventualidad de no haber encontrado capitalista que dé en préstamo la suma total de ella, en realidad Chile vendría á hacer las veces de prestamista, y eso es absolutamente inaceptable.

Después de un detenido debate sobre este punto, el mismo señor ministro de Chile, expresó que no creía necesario consultar á su gobierno para declarar inadmisibile la proposición antedicha, y concluyó diciendo, que ya era tiempo de que se efectuase el cambio de comunicaciones convenido con el señor Porras para resumir el resultado de estas conferencias, y que él aguardaría, por consiguiente, la que hubiera de dirigirle al respecto el señor ministro de relaciones exteriores.

RICAÏDO ORTIZ DE ZEVALLOS.
M. R. LIRA.

EN LIMA, á 31 *de diciembre de* 1895.

No. 75

Conference of February 5, 1897, between the Peruvian Minister in Santiago, Dr. Porras, and the Minister of Foreign Affairs of Chile, during which the latter proposes a form of agreement which would obviate the necessity for the plebiscite. (Circular of 1901, already quoted, p. 279.)

CONFIDENTIAL.

No. 10.]

PERUVIAN LEGATION IN CHILE,
Santiago, February 5, 1897.

To His Excellency the MINISTER OF STATE IN THE DEPARTMENT OF FOREIGN AFFAIRS, *Lima.*

SIR: Sr. Morla Vicuña having greatly delayed the fulfillment of his promise to confer with me, I called last Tuesday at the Department of Foreign Affairs, with the express intention of obtaining an interview upon any excuse.

I did not see the Minister, but I left word that I would return in the afternoon. This I accordingly did, and I was able, on this occasion, to talk with him until a late hour. I have already informed Your Excellency of the result of that conference in my telegram dated February 2.

We discussed at length the demands upon which Sr. Lira and Sr. Guerrero had previously so strenuously insisted, with the result that was to be expected. Sr. Morla found their procedure quite in order, and mentioned, casually, that as Minister of State, he personally would sign no protocol which did not contain the guarantee which Peru should give in agreement with the demand formerly presented.

* * * * *

Abruptly changing his tone, as he had done at first, he said finally that the only way out of the difficulty was to enter into direct negotiations. He suggested as a possible means of settlement, the following: First, a division of the territory into three zones bounded by the Chero Gap on the north, and by that of Vitor on the south, Chile and Peru advancing their frontiers up to these boundaries, without going through the formality of a plebiscite, and confining the latter to the central zone, for the definite possession of which four million soles would be paid; second, a division of the province of Tacna which would be im-

mediately adjudicated to Peru, and the province of Arica, which would be adjudicated to Chile, the indemnity, as well as the outstanding debt of Peru, on account of the occupation, being thus cancelled.

I asked whether all this could be taken as a formal proposal by Chile, and he replied that it was, and that I could consult my government in case I had no instructions on the subject. I unhesitatingly replied that I had such instructions and that in accordance therewith I rejected the proposal, because Peru was determined not to accept in any way a division of the territory upon the recovery of which she was determined, so that it was therefore useless to consult my government. However, I said I would in deference to him, immediately inform Your Excellency of his proposition.

Sr. Morla Vicuña finally suggested that we submit a counter-proposal. I replied that a matter as simple as that under consideration was not amenable to proposals and counter-proposals; but that if he insisted, on some new interpretation of the treaty being made, I could see none possible except to assume, if the formality of a plebiscite were renounced, that the latter had been held, Peru receiving in consequence thereof the territory, and Chile the indemnity, which would be paid in currency. Mr. Morla confined himself to asserting that Chile could not forego the expectations granted to her by the treaty.

Thus the conference ended, leaving me with the impression that Sr. Morla is personally opposed to any understanding with Peru, despite which he is compelled to follow a policy which he dislikes.

M. F. PORRAS.

Nº 75

Conferencia del 5 de febrero de 1897 entre el Ministro peruano en Santiago, Dr. Porras, y el Ministro de Relaciones Exteriores de Chile, en la que éste propone medios de arreglo eludiendo el plebiscito. (Citada circular de 1901, pág. 279.)

RESERVADA.

Núm. 10.]

LEGACIÓN DEL PERÚ EN CHILE,

Santiago, 5 de febrero de 1897.

SEÑOR MINISTRO DE ESTADO EN EL DESPACHO DE RELACIONES EXTERIORES, *Lima.*

SEÑOR MINISTRO: Habiendo el señor Morla Vicuña demorado

en demasía el cumplimiento de su promesa para una conferencia conmigo, me dirigí el martes último al ministerio con el propósito de provocarla con cualquier pretexto.

No encontré al ministro, pero anuncié que volvería en la tarde. Así lo hice, y esta vez pude conversar con él hasta hora muy avanzada. Del resultado de esa conferencia he dado cuenta á US. en mi telegrama de fecha 2 de febrero.

Discutimos largamente las exigencias en que tanta insistieron, antes de ahora, los señores Lira y Guerrero, con el resultado que era de esperar. El señor Morla encontró aquello correctísimo y declaró de paso que él, como ministro, no firmaría protocolo alguno en que no se hiciese constar la garantía que el Perú debía ofrecer, conforme á la exigencia formulada con anterioridad.

* * * * *

Cambiando bruscamente de tono, como había hecho al principio, dijo al fin que el único modo de evitar dificultades era entrar en arreglos directos. Indicó como medios posibles los siguientes: primero, la división del territorio en tres zonas limitadas por la quebrada de Chero al norte, y por la de Vitor al sur, avanzando Chile y el Perú sus fronteras hasta dichos límites sin necesidad de plebiscito y concretando éste á la zona central, por cuya posesión definitiva se pagaría cuatro millones de soles; segundo, la división en provincia de Tacna que se adjudicaría inmediatamente al Perú, y provincia de Arica que se adjudicaría á Chile, quedando así anulada la indemnización, así como también la deuda pendiente del Perú por la ocupación.

Pregunté si todo esto podía tomarse como una propuesta formal de Chile, á lo que me respondió que efectivamente lo era y que podía consultar á mi gobierno, si acaso no tenía instrucciones para el caso. Contesté, sin vacilar, que las tenía y que, en virtud de ellas, rechazaba las proposiciones, porque el Perú estaba decidido á no aceptar bajo forma alguna la partición del territorio cuya recuperación anhelaba y que, por lo tanto, era inútil la consulta; sin embargo de lo cual iba, por deferencia, á dar cuenta inmediata de sus proposiciones.

Se acogió, por último, el señor Morla Vicuña á la idea de que debíamos nosotros presentar alguna contrapropuesta. Contestéle que un asunto tan sencillo como el que debatíamos no se prestaba á ser objeto de propuestas y contrapropuestas; pero que si él insistía en el propósito de alguna innovación al tratado, no veía otra posible que la de que, renunciando á la formalidad del plebiscito, se diera éste por realizado, recibiendo así el Perú el

territorio, y Chile la indemnización, la que sería pagada al contado. El señor Morla se limitó á afirmar que Chile no podía renunciar á las expectativas que el tratado le reconocía.

Terminó así la conferencia, que me dejó la impresión de que el señor Morla es personalmente adverso á toda inteligencia con el Perú, sin embargo de lo cual se ve obligado á seguir una política que le contraría.

Dios guarde á US.

M. F. PORRAS.

No. 76

Billinghamst-Latorre Protocol of April 16, 1898.

In the city of Santiago, on the 16th day of the month of April, eighteen ninety-eight, Señor Guillermo E. Billinghamst, Minister Plenipotentiary, on Special Mission, of the Republic of Peru, and Señor Juan José Latorre, Minister of Foreign Affairs, being assembled in the Department of Foreign Affairs of Chile, stated that the Governments of the Republic of Peru and of the Republic of Chile, being desirous of arriving at a final solution with regard to the dominion and sovereignty of the territories of Tacna and Arica, agreeably to the provisions of the Peace Treaty of October 20, 1883, and of strengthening the bonds of friendship between both peoples by the elimination of an issue which, for some time past, has disturbed them; upon the examination and approval of their respective credentials which were found in due order, have agreed to the following covenant, for the purpose of carrying into effect the provisions of Article III of the aforementioned treaty of October 20, 1883:

ARTICLE I. The following points are hereby submitted to the decision of the Government of Her Majesty, the Queen Regent of Spain, whom the High Contracting Parties appoint as arbitrator:

1st. To decide what persons are entitled to take part in the plebiscitary vote, for the purpose of deciding the definite dominion and sovereignty of the territories of Tacna and Arica; determining the requisites as to nationality, sex, age, legal status, residence or such others as the voters should possess;

2nd. Whether the plebiscitary vote is to be public or secret.

ART. II. A Governing Board, composed of a representative of the Government of Chile, of a representative of the Government of Peru and of a third, appointed by the Government of Spain, shall preside over the elections and shall issue the necessary rules for carrying out the plebiscite. The President of the Board shall be the third member appointed by the Spanish Government.

The duties of this Board are:

1st. To draw up and publish the General Lists of all those who are entitled to vote.

2nd. To decide all difficulties, uncertainties and differences

which may arise with regard to the registering, voting and other particulars of the plebiscite.

3rd. To undertake the general count of the votes according to the partial returns secured at each of the polling stations.

4th. To proclaim the result of the general ballot, and immediately to communicate the same to the Governments of Spain, of Peru and of Chile.

5th. To issue all the by-laws and regulations as required for the better execution of the details of the plebiscite, as provided for in the present Covenant.

All the decisions of this Board shall be the result of a majority of votes. In case of disagreement, the casting vote of the designee of the Spanish Government shall decide.

ART. III. Not later than forty days after the decision of the Arbitrator shall have been given out, to which Article I refers, the Governments of Peru and of Chile shall proceed to appoint their representatives. The Governing Board shall sit in the city of Tacna, and shall enter upon its duties within ten days counted from the date of arrival in the above-mentioned city of the representative of the Spanish Government.

ART. IV. Four Commissions or Registration Stations shall be constituted; one in Tacna, one in Tarata, one in Arica and one in Lluta.

Each of these Registration Stations shall consist of:

1st. A Commissioner appointed by the Government of Peru.

2nd. A Commissioner appointed by the Government of Chile.

3rd. A Commissioner, appointed by the Governing Board of the plebiscite, who shall preside.

These Registration Stations shall be constituted, at latest, eight days subsequent to the constituting of the Governing Board in Tacna, and shall be in operation during forty consecutive days, from ten in the morning to four in the afternoon. Upon the conclusion of the day's labors, a declaration shall be inserted immediately following the last entry, signed by all the members, expressing in words the number of the voters registered during the day. The pages of the register containing the entries shall likewise all be signed (rubricadas) by each of the Commissioners.

The decisions of the Commissioners in charge of the registration stations shall be according to vote majorities and are appealable to the Governing Board.

The Registration Commissioners shall register all persons upon request provided these are entitled to vote, according to the

decision of the Arbitrator who is designated in Article I, and shall furnish applicants with registration papers which the voters must produce upon casting their votes.

Should the Board refuse to register an applicant, his name and the reason for his rejection must be recorded in the minutes of the day's proceedings.

The applicant who has been denied registration shall be entitled to a copy of that portion of the minutes, duly signed by the members of the Registration Commission.

Not later than forty-eight hours following the conclusion of their labors, the Registration Commissions shall deliver up their registers and other original documents to the Governing Board.

ART. V. The Governing Board shall determine, according to the provisions of the arbitration award, the means whereby proof may be secured that the voters possess the necessary qualifications, as required under the award.

ART. VI. The Governing Board shall publish the Lists of voters within the ten days following receipt thereof, the voters' names appearing in alphabetical order. This publication shall appear in the newspapers of Tacna and Arica as well as on loose sheets which shall be affixed to the most conspicuous places in Lluta and Tarata.

Within fifteen days of this announcement, such persons as shall have been denied registration may appear before the Governing Board, as may also those who desire to protest against any unlawful (indebida) inclusion of names. Once this period shall have elapsed, no claims will be admitted and the lists will be completed with such alterations as the Board may have approved, all of which will be immediately published in the manner set forth in the first paragraph of the present article.

ART. VII. Ten days subsequent to the completion of the final lists, the Commissions entrusted with the receiving and counting of the ballot, shall enter upon their duties.

These Commissions shall be made up of the same persons who shall have comprised the Registration Commissions; they shall be in operation during ten consecutive days from nine in the morning to four in the afternoon, and shall be situated in the same places where the Registration Commissions were located, to wit: in Tacna, Arica, Tarata and Lluta; they shall come to their decisions by vote majorities, which may be appealed against by application to the Governing Board.

Every voter, upon casting his vote, shall present the same

certificate which he received upon registering, and this shall be retained by the Commission and marked as being no longer valid over the signature of all the members thereof. In exchange for this certificate the voter shall be given a written acknowledgement testifying that he has recorded his vote. The results of the ballot shall be inscribed daily in a special minute (Acta) which shall be drawn up in triplicate and signed by all the members of the Commission, each member retaining a copy thereof.

ART. VIII. Three days at latest after the receipt of the votes, the Commissions shall hand over to the Governing Board of the plebiscite the Lists (actas) and other documents containing the partial returns.

ART. IX. Six days after the conclusion of the balloting the Governing Board shall undertake the final count according to the partial returns furnished, in open session and continuously until the result is proclaimed.

ART. X. The Governing Board shall enjoy complete liberty of action in the exercise of its functions and shall be entitled, for the better order and freedom of the plebiscitary proceedings, to demand from the authorities the protection of public force.

ART. XI. It shall be unlawful for the Governing Board or for the registration and ballot receiving Commissions to be in operation except with the full complement of their members. In case one of the members of the registration or ballot receiving Commissions should be absent or be prevented from taking part during the days when he should be on duty, he shall be replaced, during his absence, by a person appointed by the representative of the nation or government who had appointed the absentee member, excepting the President of the Commission, whose substitute must be appointed by the Governing Board.

ART. XII. In case the result of the plebiscite should be favorable to Peru, the representatives of the Government of Chile shall hand over to the Peruvian authorities the territories of Tacna and Arica at latest within fifteen days.

ART. XIII. The Customs House of Arica shall provide the funds wherewith to carry out the proceedings of the plebiscite in the territories of Tacna and Arica.

ART. XIV. That the registration and ballot receiving Commissions, as stipulated in the foregoing articles, are to be in operation in Tarata, does not imply a renunciation on the part of Peru of its unsettled claim relative to a portion of this region; neither does this imply the intention of claiming any compensa-

tion for the time during which Chile has been in occupation thereof.

ART. XV. The indemnity of ten million "pesos," of which Article III of the treaty of October 20, 1883, treats, shall be paid by the country which becomes the possessor (dueño) of the provinces of Tacna and Arica in the following manner: one million within ten days from the date of the proclamation of the final result of the plebiscite; a second million a year later and two millions at the end of each one of the four succeeding years.

The amounts in question shall be paid in Peruvian silver "soles" or in Chilean silver currency, in circulation at the time when the treaty of October 20, 1883, was subscribed.

ART. XVI. The total revenue of the Arica Customs House shall be appropriated for the payment of the indemnity to which the preceding article refers.

ART. XVII. Within sixty days, counted from the time when the ratifications of the present covenant are exchanged, the diplomatic representatives of the Republic of Peru and the Republic of Chile accredited to the Government of Spain, shall jointly solicit from the latter the acceptance of the functions referred to in Article I as well as the appointment of the third member to which Article II refers.

ART. XVIII. Within forty days, counted from the date of the acceptance by the Arbitrator, each of the High Contracting Parties shall state its rights in a written memorial which shall be presented by their plenipotentiaries so that through it and in view of the provisions of the treaty of October 20, 1883, and of the present covenant, the Arbitrator may issue his award.

The present covenant shall be ratified by the respective Congresses and the ratifications exchanged in Santiago de Chile within the shortest possible time.

In testimony thereof the aforementioned Plenipotentiaries have signed the present covenant in duplicate and have hereunto affixed their respective seals.

(L. S.) GUILLERMO E. BILLINGHURST.

(L. S.) J. J. LATORRE.

Nº 76

Protocolo Billinghurst-Latorre, del 16 de abril de 1898.

En la ciudad de Santiago, a los dieciseis dias del mes de abril de mil ochocientos noventiocho, reunidos en la sala del despacho del

Ministerio de Relaciones Exteriores, el señor don Guillermo E. Billinghurst, ministro plenipotenciario en misión especial de la República del Perú, y el señor don Juan José Latorre, Ministro del Ramo, expusieron que los gobiernos de la república del Perú, y de la república de Chile, deseosos de llegar á una solución definitiva respecto al dominio y soberanía de los territorios de Tacna y Arica, en conformidad al tratado de paz de 20 de octubre de 1883, y de estrechar las relaciones de amistad entre ambos pueblos eliminando una cuestión que los ha preocupado desde hace tiempo, después de examinar y calificar sus respectivos poderes y de encontrarlos bastantes, ajustaron la siguiente convención, destinada á dar cumplimiento al artículo III del aludido tratado de 20 de octubre de 1883:

ARTº. I. Quedan sometidos al fallo del gobierno de Su Majestad, la reina regente de España, á quien las altas partes contratantes designan con el carácter de árbitro, los puntos siguientes:

1º. Quiénes tienen derecho á tomar parte en la votación plebiscitaria destinada á fijar el dominio y soberanía definitivos de los territorios de Tacna y Arica, determinando los requisitos de nacionalidad, sexo, edad, estado civil, residencia ó cualesquiera otros que deban reunir los votantes.

2º. Si el voto plebiscitario debe ser público ó secreto.

ARTº. II. Una junta directiva compuesta de un representante del gobierno de Chile, de un representante del gobierno del Perú y de un tercero designado por el gobierno de España, presidirá los actos y tomará las resoluciones necesarias para llevar á cabo el plebiscito. Tendrá el carácter de presidente de la junta el tercero designado por el gobierno de España.

Corresponderá á esta junta:

1º. Formar y publicar el registro general de todos los que tengan derecho á votar;

2º. Decidir todas las dificultades, dudas y cuestiones que se promuevan con motivo de las inscripciones, votaciones y demás actos del plebiscito;

3º. Practicar el escrutinio general de los sufragios en vista del resultado parcial obtenido en cada una de las mesas receptoras de votos;

4º. Proclamar el resultado de la votación general, comunicándolo inmediatamente á los gobiernos de España, del Perú y de Chile.

5º. Dictar todas aquellas providencias é instrucciones necesarias para la mejor realización de los actos plebiscitarios determinados en la presente convención.

Todas las resoluciones de esta junta se tomarán por mayoría de votos. En caso de dispersión prevalecerá la opinión del tercero designado por el gobierno de España.

ARTº. III. A más tardar cuarenta días después de expedido el fallo del árbitro á que se refiere el artículo 1º, procederán los gobiernos del Perú y de Chile á nombrar sus representantes. La junta directiva se instalará en la ciudad de Tacna y comenzará á funcionar dentro del plazo de diez días, á contar desde que se encuentre en dicha ciudad el tercero que designe el gobierno de España.

ARTº. IV. Habrá cuatro comisiones ó mesas de inscripción: una en Tacna, otra en Tarata, otra en Arica y otra en Lluta.

Compondrán cada una de estas comisiones:

1º. Un comisionado del gobierno del Perú;

2º. Un comisionado del gobierno de Chile; y

3º. Un comisionado nombrado por la junta directiva del plebiscito y que tendrá el carácter de presidente.

Dichas comisiones se instalarán á más tardar ocho días después de la instalación en Tacna de la junta directiva y funcionarán durante cuarenta días consecutivos, desde las diez de la mañana hasta las cuatro de la tarde. Diariamente al suspenderse los trabajos pondrán al pie de la última inscripción una nota firmada por todos sus miembros en que se exprese en letras el número de individuos inscritos en el día. Las hojas del registro en que se hubieren hecho las inscripciones serán rubricadas, también, por todos los miembros de las comisiones.

Los acuerdos de las comisiones inscriptoras serán tomados por mayoría de votos y sus resoluciones serán apelables para ante la junta directiva.

Las comisiones inscribirán en los registros á todas las personas que lo soliciten y que tengan derecho á votar conforme al fallo del árbitro designado en el artículo 1º, y les otorgarán un certificado de inscripción, que los inscritos deberán exhibir en el acto de votar.

Siempre que la junta se negare á inscribir á un individuo, deberá anotar en el acta de la sesión del día el nombre del excluido y la causa de la exclusión.

El individuo á quien se hubiere negado la inscripción tendrá derecho á que se le dé copia de esa parte del acta, autorizada por los miembros de la comisión inscriptora.

A más tardar, cuarentiocho horas después de terminadas sus funciones, las comisiones inscriptoras entregarán los registros y demás documentos originales á la junta directiva.

ARTº. V. La junta directiva determinará, en vista del fallo arbitral, los medios por los cuales pueda comprobarse la posesión de los requisitos que conforme á dicho fallo deberán reunir los votantes.

ARTº. VI. La junta directiva hará publicar los registros dentro de los diez días siguientes á su recepción, por orden alfabético de apellido de los inscritos. Esta publicación se hará en los periódicos de Tacna y Arica y en hojas sueltas, que se fijarán en los lugares más públicos de Lluta y Tarata.

Dentro de los quince días siguientes á dicha publicación, podrán presentarse á la junta directiva los individuos á quienes se haya negado la inscripción y las reclamaciones que cualquiera persona podrá entablar contra las inclusiones indebidas. Terminado aquel plazo, no se admitirá ninguna reclamación y el registro quedará definitivamente formado con las modificaciones que la junta haya dispuesto; todo lo cual se publicará inmediatamente en la forma prescrita en el inciso 1º. del presente artículo.

ARTº. VII. Diez días después de cerrado el registro definitivo, comenzarán á funcionar las comisiones encargadas de la recepción y escrutinio de los sufragios.

Estas comisiones serán compuestas de las mismas personas que hayan formado las de inscripción; funcionarán durante diez días consecutivos desde las nueve de la mañana hasta las cuatro de la tarde, en los mismos lugares que aquellas, á saber: Tacna, Arica, Tarata y Lluta; y adoptarán sus resoluciones por mayoría de votos, las cuales serán apelables para ante la junta directiva.

Todo sufragante, al tiempo de votar, presentará el mismo certificado que hubiere recibido al inscribirse, el cual quedará en poder de la comisión receptora, con una anotación de hallarse inutilizado, bajo la firma de todos sus miembros.

En cambio, se otorgará al sufragante una constancia escrita de que ha votado. Diariamente se asentará el resultado de la votación en una acta que, por triplicado, será levantada y firmada por todos los miembros de la comisión, conservando cada uno de ellos un ejemplar.

ARTº. VIII. Tres días después de terminada la recepción de los sufragios, á más tardar, las comisiones entregarán á la junta directiva del plebiscito las actas y demás documentos de las votaciones parciales.

ARTº. IX. Seis días después de terminada la votación, procederá la junta directiva á practicar el escrutinio general en vista de las actas parciales, en sesión pública y en un solo acto, hasta proclamar el resultado.

ARTº. X. La junta directiva gozará de completa independencia en el ejercicio de sus funciones y podrá, para garantizar el orden y la libertad en todos los actos del plebiscito, requerir de las autoridades el auxilio de la fuerza pública.

ARTº. XI. Ni la junta directiva ni las comisiones inscriptoras y receptoras podrán funcionar sino con la totalidad de los miembros que las componen. Si faltare ó se inhabilitare alguno de los miembros de las comisiones inscriptoras ó receptoras en los días en que debería ejercer sus funciones, será reemplazado durante su impedimento por la persona que designe el representante correspondiente a la nación ó gobierno que hubiese nombrado al impedido, con excepción del comisario presidente, cuyo reemplazo corresponde hacer a la junta directiva.

ARTº. XII. Si el resultado del plebiscito fuere favorable al Perú, los representantes del gobierno de Chile entregarán a la autoridad peruana los territorios de Tacna y Arica en el plazo máximo de quince días.

ARTº. XIII. La aduana de Arica subvendrá á los gastos que ocasionen los actos del plebiscito en los territorios de Tacna y Arica.

ARTº. XIV. El hecho de funcionar en Tarata las comisiones inscriptora y receptora de que tratan los artículos anteriores, no implica un desistimiento del Perú de la reclamación pendiente con respecto á una parte de esa región sin que esto signifique el propósito de pretender indemnización alguna por el tiempo que Chile la ha ocupado.

ARTº. XV. La indemnización de diez millones de pesos prescrita por el artículo III del tratado de 20 de octubre de 1883, será pagada por el país que resulte dueño de las provincias de Tacna y Arica, en esta forma: un millón dentro del término de diez días, a contar desde que se proclame el resultado general del plebiscito; otro millón un año después, y dos millones al fin de cada uno de los cuatro años siguientes.

Las referidas cantidades se pagarán en soles de plata peruanos ó en moneda de plata chilena de la que circulaba en la época en que se suscribió el tratado de 20 de octubre de 1883.

ARTº. XVI. Quedan afectos al pago de la indemnización de que trata el artículo anterior los productos totales de la aduana de Arica.

ARTº. XVII. Dentro del término de sesenta días, contados desde que queden canjeadas las ratificaciones de la presente convención, los representantes diplomáticos de la república del Perú y de la república de Chile, cerca del Gobierno de España, solici-

tarán conjuntamente de éste la aceptación del cargo á que se refiere el artículo 1° y el nombramiento del tercero que prescribe el artículo 2°.

ARTº. XVIII. Dentro del plazo de cuarenta días, contados desde que el árbitro acepte el cargo, cada una de las altas partes contratantes fundará su derecho en una exposición escrita que presentará por medio de su plenipotenciario para que, con ella y en vista de las disposiciones del tratado de 20, de octubre de 1883 y de la presente convención, expida aquél su fallo.

La presente convención será ratificada por los respectivos congresos y las ratificaciones canjeadas en Santiago de Chile dentro del más breve plazo posible.

En fe de lo cual, los antedichos plenipotenciarios firmaron por duplicado la presente convención, sellándola con sus sellos respectivos.

(L.S.) GUILLERMO E. BILLINGHURST.

(L.S.) J. J. LATORRE.

No. 77

Note of the Chargé d'Affaires of Peru to the Minister of Foreign Affairs of Chile, of September 9, 1898, promising that Peru would not impose lesser taxes on nitrates than those imposed by Chile. (Circular of 1901, already quoted, p. 310.)

PERUVIAN LEGATION IN CHILE,
Santiago, September 9, 1898.

SIR: Immediately upon the conclusion of the conference which I had the honor to engage in with Your Excellency last Saturday, I transmitted to my government by cable the information furnished by Your Excellency, relative to the urgent need on the part of Your Excellency's government to secure a statement according to which the Peruvian Government declares its intention not to institute any export duty less than that which Chile may have in force, in the event that deposits of nitrate should be worked in the territory of Tacna and Arica, in case this territory should be finally incorporated with Peru.

Acting upon the instructions of my government, and in reply to the above, I have the honor to state that although my government is convinced that there are no nitrate deposits in this territory capable of industrial application, a fact which makes the declaration superfluous, it has no objection to assure Your Excellency that in the hypothetical case contemplated by Your Excellency's government Peru undertakes not to establish any lesser duties on the exportation of nitrates than those in force at the time in Chile, while Peru is willing to conclude, if it should be considered necessary, a special treaty in respect to this matter.

I avail myself of this opportunity to reiterate to Your Excellency the assurances of my most distinguished consideration.

MANUEL FRANCISCO BENAVIDES.

To His Excellency the MINISTER OF FOREIGN AFFAIRS
OF THE REPUBLIC OF CHILE.

Nota del Encargado de Negocios del Peru al Ministro de Relaciones Exteriores de Chile, septiembre 9 de 1898, ofreciendo que el Perú no establecería sobre el salitre impuestos menores que los establecidos por Chile. (Citada circular de 1901, pág. 310.)

LEGACIÓN DEL PERÚ EN CHILE,
Santiago, 9 de septiembre de 1898.

Señor MINISTRO: Inmediatamente después de terminada la conferencia que tuve la honra de celebrar con V. E. el sábado último, trasmití, por cable, á mi gobierno, la información de V. E. relativa á la necesidad indispensable en que se encuentra el gobierno de V. E. de obtener una declaración en que el gobierno del Perú asegure que no impondrá un derecho de exportación menor que el que Chile tenga establecido, supuesta la eventualidad de que se exploten yacimientos de salitre en el territorio de Tacna y Arica, llegado el caso de que dicho territorio quede incorporado definitivamente al Perú.

Por encargo de mi gobierno y en respuesta, cábeme el honor de declarar á V. E. que, no obstante que mi gobierno abriga la convicción de que no existen en dicho territorio terrenos salitrales, susceptibles de explotación industrial, hecho que, en rigor, hace inútil la declaración, no tiene inconveniente en asegurar á V. E. que, en el caso hipotético contemplado por el gobierno de V. E., el del Perú no establecería sobre la exportación de salitre impuestos menores que los que rijan al mismo tiempo en Chile, estando dispuesto á celebrar pacto especial sobre este punto, si fuese necesario.

Aprovecho, etc.

MANUEL FRANCISCO BENAVIDES.

EXCMO. señor MINISTRO DE RELACIONES EXTERIORES
DE LA REPÚBLICA DE CHILE.

No. 78

Porras-Amunátegui Protocol, of September 14, 1898, for the purpose of acting conjointly in the matter of the revenue imposed on the exportation of nitrate. (Circular already quoted, p. 311.)

The Government of Peru and the Government of Chile being desirous for their mutual convenience of entering into an agreement which shall guarantee that the working of nitrate deposits in the territory of Tarapacá—as well as those which might be established in the territory of Tacna and Arica, in case the latter should come under Peruvian control, by virtue of the plebiscite provided for in the covenant of April 16th of the present year—shall not be made the subject of any tax-cutting competition, the undersigned, Sr. Meliton F. Porras, Minister of Foreign Affairs of Peru, and Sr. José Domingo Amunátegui Rivera, Envoy Extraordinary and Minister Plenipotentiary of Chile, being duly authorized for the purpose, have agreed upon the following declaration:

The nitrate deposits which may exist in the territory of Tacna and Arica or which might hereafter be discovered, shall be worked according to conditions similar to those which may be in force in Chilean territory, the two governments engaging to act in common accord in respect to the regulations or amendments thereto governing such conditions in the future.

IN TESTIMONY WHEREOF they have signed the present declaration in duplicate, at Lima, this fourteenth day of September, one thousand nine hundred eight, and have hereunto affixed their respective seals.

(L. S.) M. F. PORRAS.

(L. S.) J. D. AMUNÁTEGUI RIVERA.

Nº 78

Protocolo Porras-Amunátegui, de 14 de septiembre de 1898, para proceder de acuerdo en las condiciones fiscales de la exportación del salitre. (Citada circular de 1901, pág. 311.)

Deseando el gobierno del Perú y el gobierno de Chile, por conveniencia recíproca, celebrar un acuerdo que garantice que la explotación de salitre en el territorio de Tarapacá y la que pudiera

establecerse en el territorio de Tacna y Arica, en el caso de que éste pase á poder del Perú, en virtud del plebiscito acordado por la convención de 16 de abril del presente año, no dará margen á competencia fiscal alguna, los infrascritos, don Melitón F. Porras, ministro de relaciones exteriores del Perú, y don José Domingo Amunátegui Rivera, enviado extraordinario y ministro plenipotenciario de Chile, debidamente autorizados, han convenido en la declaración siguiente:

Los yacimientos salitrales que pudiesen existir en el territorio de Tacna y Arica, ó que se descubriesen después, serán explotados bajo condiciones fiscales análogas á las que existiesen impuestas sobre los del territorio de Chile, debiendo ambos gobiernos, en adelante, proceder de acuerdo para la determinación ó reforma de dichas condiciones.

En fe de lo cual, firman la presente, por duplicado, en Lima, á los catorce días del mes de septiembre de mil ochocientos noventa y ocho, y ponen sus respectivos sellos.

(L. S.) M. F. PORRAS.

(L. S.) J. D. AMUNÁTEGUI RIVERA.

No. 79

Note of the Chilean Minister to the Minister of Foreign Affairs of Peru, desiring him to undertake that Peru, in case Tacna and Arica were regained, would not work, sell or transfer the domain of the nitrate deposits which might exist in those provinces. (Circular already quoted, p. 312.)

No. 25.]

CHILEAN LEGATION,
Lima, October 1, 1898.

SIR: The discussion of a protocol for the carrying into effect of Article 3 of the Treaty of October 20, 1883, signed on the 16th of April last, at Santiago, between His Excellency the Minister of Foreign Affairs of Chile, Sr. Juan José Latorre, and the special envoy of the Peruvian Government, His Excellency, Sr. Guillermo E. Billinghurst, has been somewhat delayed in the House of Representatives of my country, owing to the fact that during the course of the debate, a statement was made to the effect that should any nitrate be found in the territories of Tacna and Arica, as some honorable representatives assert to be the case, this would bring about, were the plebiscite favorable to Peru, and the latter should adopt measures for working the deposits, a changed situation to that which Chile enjoys at present owing to her monopoly of that product. The possible competition, and the shrinkage which this would occasion in the government revenue, have been points which, extensively discussed in open session, have both alarmed public opinion and excited serious opposition among the members of the chamber.

My government, desiring that the protocol of the 16th of April should receive Legislative sanction as soon as possible, so as to put an end to the condition in which the treaties in force have placed the territories of Tacna and Arica, is anxious to remove the obstacles which prevent the carrying out of these intentions.

To this end, I have been instructed to request from Your Excellency's government, a written declaration to the effect that if, in consequence of the plebiscite which is to take place in Tacna and Arica, according to Article 3 of the Treaty of the 20th of October, 1883, and of the protocol of the 16th of April of this year, these territories should come under the dominion of Peru,

the latter undertakes, with regard to the nitrates which may be found therein, to take no steps towards working, selling or transferring the rights thereon which might, in any way, impair Chilean monopoly of this substance unless a special arrangement should be agreed upon to the contrary.

I take advantage of this opportunity to offer the assurances of my very distinguished consideration.

J. D. AMUNATEGUI RIVERA.

His Excellency Doctor MELITON F. PORRAS,
Minister of Foreign Affairs of Peru.

Nº 79

Nota del Ministro de Chile, octubre 1º de 1898, al Ministro de Relaciones Exteriores del Perú pidiendo declare que en caso de recuperar Tacna y Arica el Perú no explotará, venderá o transferirá el dominio de las salitreras que puedan existir en esas provincias. (Citada circular de 1901, pág. 312.)

Núm. 23.]

LEGACION DE CHILE,
Lima, 1.º de octubre de 1898.

Señor MINISTRO: La discusión del protocolo destinado á dar cumplimiento al artículo 3.º del tratado de 20 de octubre de 1883, firmado el 16 de abril último en Santiago, entre el Excmo. señor ministro de relaciones exteriores de Chile, don Juan José Latorre, y el enviado especial del gobierno del Perú, Excmo. señor don Guillermo E. Billinghurst, ha sufrido en la honorable cámara de disputados de mi país algún retardo, con motivo de haberse manifestado, en el curso del debate, que la posible existencia de salitre en los territorios de Tacna y Arica, existencia afirmada por algunos honorables disputados, produciría, en el caso que el plebiscito favoreciera al Perú y éste adoptara medidas para la explotación de los yacimientos, una situación diversa de la que hoy tiene Chile con el monopolio de aquella sustancia. La posible competencia y la disminución que ésta había de producir en las rentas fiscales, han sido puntos que, latamente discutidos en sesiones públicas, han alarmado en parte á la opinión y producido efectiva influencia en el seno mismo de la honorable cámara.

Mi gobierno, deseoso de que lo más pronto posible tenga la sanción legislativa el protocolo de 16 de abril, á fin de solucionar la situación en que los tratados vigentes mantienen los territorios

de Tacna y Arica, quiere remover los obstáculos que impiden la realización de esos propósitos.

Al efecto, me ha dado instrucciones para solicitar del gobierno de V. E. una declaración protocolizada en el sentido de que, si á consecuencia del plebiscito que se verificará en Tacna y Arica, conforme al artículo 3.º del tratado de 20 de octubre de 1883 y al protocolo de 16 de abril del presente año, esos territorios pasasen á poder del Perú, éste no adoptaría en cuanto á los salitres que puedan existir en ellos, medida alguna acerca de su explotación, venta ó transferencia de dominio, que pueda menoscabar, en algún sentido, el monopolio que Chile tiene de esa sustancia; salvo el caso que un acuerdo especial determine otra cosa.

Aprovecho esta oportunidad para ofrecer á V. E. las seguridades de mi consideración muy distinguida.

J. D. AMUNÁTEGUI RIVERA.

Excmo. señor Ministro de Relaciones Exteriores,
doctor don MELITÓN F. PORRAS.

Reply from Minister Porras, October 2, 1898, rejecting the request as contrary to the principle of national sovereignty. (Circular already quoted, p. 313.)

No. 23.]

MINISTRY OF FOREIGN AFFAIRS,

Lima, October 2, 1898.

SIR: Yesterday afternoon I had the honor to receive Your Excellency's communication in which you informed me that the discussion of the protocol of April 16th has been somewhat delayed in the House of Representatives of Chile, owing to the effect produced by a consideration of the possibility of nitrate deposits being found in the territory of Tacna and Arica, which, were the plebiscite to be favorable to Peru and the latter to adopt any measures for their working, a situation would ensue entirely different from that which at present is being enjoyed by Chile in respect to the monopoly of that product; and that, as Your Excellency's government is desirous of removing the obstacle which prevents the speedy legislative sanction of this protocol, it requests a written declaration to the effect that Peru will not adopt any measure which might, in any way, impair the monopoly enjoyed by Chile.

I must, in behalf of my government, inform Your Excellency, in the first place, of the surprise which this request has produced, since the motive which prompts it is irrelevant to the convention concluded at Santiago, nor has it any possible explanation according to the stipulations of that covenant, which, as Your Excellency is aware, has no other purpose than the carrying out of the provisions of the peace treaty of 1883.

My government is cognizant of the fears entertained in Chile respecting a possible competition in the exploitation of nitrate, in case Peru were to acquire the territory of Tacna and Arica, and discoveries be made therein of nitrate deposits capable of industrial application. In order to dispel such fears, and for the purpose of safeguarding its own interests also, in the hypothesis under consideration, an agreement was concluded which substantially contained provisions to mutually restrict one country from passing revenue laws in respect to this matter which might be injurious to the other. Despite the fact that my government was then aware,

as it is today, that there are no nitrate deposits in Tacna and Arica capable of industrial application, it consented to that agreement, convinced that it was acting to the advantage of their mutual interests, which were worthy of being taken into consideration in the event of an extremely improbable contingency, that upon the understanding, however, that the agreement in question was, as it still is, both as regards its object and its conclusions, a matter completely apart from the protocol relating to the plebiscite.

Apparently the Chilean Government does not now consider as sufficiently ample the declaration which it solicited itself, and which seemed to satisfy all the requirements on the point which appears to trouble it, though it now requests that Peru shall undertake to forego all exploitation so as to assure the continuance of the monopoly for Chile.

Nitrate is not the subject of interest to Peru, in the return of those provinces; nor would that prevent us from acquiescing in this latest demand of Your Excellency's government; but the principle of unconditional sovereignty over the territory in question is what cannot be sacrificed under any consideration whatever, and still less so as regards an agreement of the nature of that concluded in April of the present year.

The contention that Chile cannot sacrifice her position as a monopolist in nitrate is perfectly applicable to nitrate which may be found in the territory in question or to such nitrate as may be discovered in the rest of Peru; Chile certainly could not expect to invoke that same position in respect to the latter event, which thus clearly shows how impossible it would be to accept such a pretension and also how unrelated this is to the approval of the protocol.

My government therefore cannot consider the request presented by Your Excellency because it cannot agree to gratuitously forego its sovereign and independent rights, or to make these subservient to the requirement of Chilean taxation, even though in the present case, such action would practically amount to nothing more than an empty declaration. Still less therefore, can it be conceived that such conditions be exacted, upon a pretext non-germane to the issue for the mere fulfillment of a treaty in force, in the faithful observance of which, due to exceptional circumstances, the honor of Your Excellency's country is involved.

Peru definitely completed every requisite in respect to the protocol of April 16th, nearly three months ago, and she has a

right, therefore, to expect that Chile shall also complete hers, without putting forward conditions or demands which are entirely foreign to the purpose of this covenant, which is: to carry out the provisions of Article III of the Treaty of 1883, a concrete and well defined purpose which has been executed by deciding upon the conditions for the plebiscite and submitting, in advance, these essential points upon which the two countries have not been able to arrive at an agreement, to arbitration.

This equitable and lofty purpose finally accepted by Chile, after a lengthy period, pregnant with the deferred hopes and anguish on the part of Peru, has been considered by my government as the honorable conclusion to an abnormal and unbearable situation. My government still holds to that view, notwithstanding the contents of Your Excellency's note, because it sincerely expects that that of Your Excellency will admit the propriety of the remarks which, in response thereto, I have set forth in this communication.

I avail myself of this opportunity to reiterate to Your Excellency the assurances of my most distinguished consideration.

M. F. PORRAS.

To His Excellency Sr. JOSÉ DOMINGO AMUNATEGUI RIVERA,
Envoy Extraordinary and Minister Plenipotentiary of Chile.

Nº 80

Contestación del Ministro Porras, octubre 2 de 1898, rechazando la petición por oponerse al principio de la soberanía nacional.
(Citada circular de 1901, pág. 313.)

Núm. 23.] MINISTERIO DE RELACIONES EXTERIORES,
Lima, 2 de octubre de 1898.

Señor MINISTRO: Ayer en la tarde tuve el honor de recibir la atenta nota de V. E. en que me manifiesta que la discusión del protocolo del 16 de abril ha sufrido algún retardo en la honorable cámara de diputados de Chile, debido á que ha producido influencia la consideración de que, siendo posible la existencia de salitre en el territorio de Tacna y Arica, produciría ésta, en el caso de que el plebiscito favoreciese al Perú y se adoptasen medidas para su explotación, una situación diversa de la que hoy tiene Chile con el monopolio de aquella sustancia; agregando que el gobierno de V. E. tiene el deseo de remover el obstáculo que se opone á la pronta sanción legislativa del indicado protocolo, para

cuyo efecto solicita una declaración protocolizada en la que conste que el Perú no adoptaría medida alguna que pueda menoscabar, en algún sentido, el monopolio de que Chile disfruta.

Debo, en nombre de mi gobierno, expresar á V. E., desde luego, la extrañeza que esta petición le ha causado, pues el motivo que la origina es enteramente ajeno á la convención firmada en Santiago, y no tiene explicación alguna al lado de las estipulaciones de ese pacto, que, como V. E. no ignora, no tiene otro objeto que dar cumplimiento al tratado de paz de 1883.

Mi gobierno tenía conocimiento de los temores que se abrigan en Chile acerca de la posibilidad de que se suscitara competencia en la explotación de salitre, si el Perú adquiría el territorio de Tacna y Arica y se descubrían en él yacimientos susceptibles de explotación industrial. Para desvanecerlos, y con el objeto de atender á una conveniencia, que era también suya en el caso hipotético contemplado, se apresuró á celebrar un convenio, que importaba sustancialmente el propósito mútuo de no dictar al respecto, en un país, medidas fiscales que pudieran dañar al otro. A pesar de que mi gobierno tenía la persuasión, como la tiene aún, de que no existen en Tacna y Arica yacimientos salitrales susceptibles de explotación industrial, llegó á aquel acuerdo, convencido como estaba de que servía un interés recíproco, digno de ser tomado en consideración en el caso de una posibilidad extrema; pero bajo la base, bien entendido, de que el acuerdo en cuestión era, como es, tanto en su celebración como en su perfeccionamiento, un acto independiente del protocolo sobre el plebiscito.

El gobierno de Chile, sin embargo, no estima bastante ahora, una declaración que él mismo había pedido, y que parecía llenar todas sus aspiraciones sobre el punto que le preocupaba; y solicita, en este momento, que el Perú se comprometa á renunciar á la explotación para dejar así asegurado el monopolio de su país.

No es el salitre lo que interesa al Perú en la readquisición de esas provincias, ni lo que nos impediría acceder á la reciente demanda de gobierno de V.E.: es el principio de soberanía incondicional sobre aquel territorio, que no puede ser sacrificado por consideración alguna, y menos tratándose de un pacto de la naturaleza del ajustado en abril del año en curso.

La consideración de que Chile no puede sacrificar su condición de monopolista en materia de salitre, es idénticamente aplicable al que pueda existir en el expresado territorio como al que pueda descubrirse en el resto del Perú; y no pretenderá ciertamente Chile invocarla respecto de éste último, revelándose así claramente

lo inaceptable de tal consideración y su falta de relación con la sanción de aquel pacto.

Mi gobierno no acepta, pues, la pretensión formulada por VE., porque no puede comprometerse á renunciar graciosamente sus derechos de soberanía é independencia ó á subordinarlos á las conveniencias fiscales de Chile, aún cuando esto en la práctica no importare sino una declaración sin consecuencias. Mucho menos puede admitirse, por consiguiente, que se establezcan, en oportunidad extraña, verdaderas condiciones para el mero cumplimiento de un tratado vigente, tratado al que, por circunstancias especialísimas, está ligada la fe pública del país de VE.

El Perú pronunció su voto definitivo sobre el protocolo de 16 de abril hace cerca de tres meses, y tiene derecho á esperar que Chile dé también el suyo, sin condiciones ó exigencias ajenas al objeto de dicho pacto, esto es: al de cumplir lo dispuesto por el artículo III del tratado de 1883, objeto bien determinado y concreto, que se ha llenado señalando el procedimiento plebiscitario y sometiendo previamente á arbitraje los puntos esenciales sobre los que no han podido ponerse de acuerdo los dos países.

Este propósito justo y levantado, suscrito por Chile después de una larga época llena de legítimas impaciencias y angustias para el Perú, ha sido considerado por mi gobierno como el término honroso de una situación anómala é insostenible. Mantiene aún ese concepto, á pesar del contenido de la nota de V. E., porque espera fundadamente que el gobierno de V. E. reconocerá la verdad de las observaciones que, en contestación, dejo expuestas.

Aprovecho esta oportunidad para reiterar á V. E. las seguridades de mi más distinguida consideración.

M. F. PORRAS.

Al excelentísimo señor don JOSÉ DOMINGO AMUNÁTEGUI RIVERA,
Enviado Extraordinario y Ministro Plenipotenciario de Chile.

No. 81

Note from the Chargé d'Affaires of Peru, Sr. Benavides, of November 24, 1898, to the Minister of Foreign Affairs of Chile, requesting a decision on the Billinghurst-Latorre protocol. (Circular of 1901, already quoted, p. 316.)

PERUVIAN LEGATION IN CHILE,
Santiago, November 24, 1898.

SIR: Notwithstanding the fact that seven months have already gone by, since the signing of the covenant between my government and that of Your Excellency, for the purpose of settling the conditions of the plebiscite, which is to determine the future status of the territory of Tacna and Arica, as well as the installments and dates for the payment of the indemnity in question, Chile has not, as yet, perfected this agreement.

My government being deeply concerned respecting this situation, which seems to be unduly prolonged, has specially instructed me to inform Your Excellency that Peru is eager to terminate, as early as possible, this state of suspense which is being maintained, for no apparent reason, during these last years, and which can certainly not be explained today, since the matter merely implies the acceptance or the rejection of a complementary protocol, agreed upon by both governments, in order to carry out a clear and precise stipulation of an existing treaty.

It can be understood and admitted without any great difficulty that delays should take place in the execution of different international agreements, provided the delay does not wound the feelings of one of the parties thereto. While with regard to the present case the matter in question precisely involves a treaty which cannot be further delayed, because the self-respect of Peru and all that she holds most sacred as a nation compel her to demand that the matter be concluded.

Having stated the purpose of this note, thus fulfilling the instructions I have received, I would request Your Excellency to be so good as to advise me whether I can inform my government that it can rely upon a prompt decision in respect to the convention to which I have referred.

I avail myself of this opportunity to reiterate to Your Excellency the assurances of my highest consideration.

MANUEL FRANCISCO BENAVIDES.

To His Excellency the MINISTER FOR FOREIGN AFFAIRS
OF THE REPUBLIC OF CHILE.

Nº 81

Nota del Encargado de Negocios Sr. Benavides, noviembre 24 de 1898, al Ministro de Relaciones Exteriores de Chile, pidiendo resolución sobre el protocolo Billinghurst-Latorre. (Citada circular de 1901, pág. 316.)

LEGACIÓN DEL PERÚ EN CHILE,
Santiago, 24 de noviembre de 1898.

Señor MINISTRO: A pesar de que han trascurrido siete meses desde que quedó pactada entre mi gobierno y el de VE., la convención destinada á fijar la forma del plebiscito que debe resolver la suerte del territorio de Tacna y Arica, y los plazos y términos en que ha de pagarse la indemnización correspondiente, no ha pronunciado aún Chile su voto definitivo sobre el particular.

Preocupado mi gobierno de esta situación, que parece prolongarse indefinidamente, me ha dado el encargo especial de manifestar á VE. que el Perú anhela que se ponga término cuanto antes á un estado de expectativa que se mantiene sin motivo justificado desde hace algunos años, y que hoy ciertamente no tiene explicación alguna, pues se trata simplemente de estimar ó desestimar un protocolo complementario, convenido entre ambos gobiernos para dar cumplimiento á una disposición clara é imperativa de un tratado vigente.

Se comprende y puede admitirse sin gran inconveniente los aplazamientos en la solución de toda clase de pactos internacionales, siempre que dichos retardos no hieran los sentimientos de una de las partes interesadas. Y en el caso actual, se trata precisamente de un pacto cuyo aplazamiento no puede continuar, porque la dignidad del Perú y todo lo que hay de más respetable en sus sentimientos como nación, le llevan á pedir que se le dé una solución.

Expuesto el motivo de esta nota, y cumpliendo así el encargo que he recibido, suplico á V. E. se digne indicarme si puedo informar á mi gobierno que debe contar con una pronta resolución acerca de la convención á que he hecho referencia.

Aprovecho de esta oportunidad para ofrecer a V. E. las seguridades de mi más alta consideración.

MANUEL FRANCISCO BENAVIDES.

Al excelentísimo señor MINISTRO DE RELACIONES EXTERIORES
DE LA REPÚBLICA DE CHILE.

No. 82

Reply to the above-mentioned note, December 24, 1898. (Circular of 1901, p. 317.)

No. 1462.]

REPUBLIC OF CHILE,
MINISTRY OF FOREIGN AFFAIRS,
Santiago, December 24, 1898.

SIR:

* * * * *

In response, I have the honor to draw your attention to several facts of which you are doubtless aware and which have prevented the Chilean Government from finally carrying out its part in the solution of this important matter.

You are likewise aware that the discussion of the protocol gave rise in the House, to a protracted debate, in the course of which different reasons were submitted in order to prove that the stipulations of the agreement impaired the revenues of Chile, unless there should be covenanted therein the manner and conditions upon which such nitrate deposits to be found in the provinces of Tacna and Arica would be worked.

As this discussion consumed almost the entire period of the ordinary sessions, Congress has now during the special sessions been obliged to give precedence to a discussion of the budget and other matters of an urgent constitutional character, and which so far have not yet been disposed of, due to causes connected with the country's domestic politics and which do not even admit of the hope that the request could be with propriety renewed for the consideration of a matter such as the protocol, which has so profoundly stirred the House.

These considerations, to which I must add the lateness of the season when it is customary to bring the sessions of Congress to a close, will undoubtedly convince the Government of Peru and you yourself, that it has not been within the power of this government to remove the serious obstacles which have stood in the way of a speedy and satisfactory solution of the existing difficulties.

I renew the assurances of my distinguished consideration.

V. BLANCO.

TO SR. MANUEL F. BENAVIDES,
Chargé d'Affaires of Peru.

Contestacion a la nota anterior, diciembre 24 de 1898. (Citada circular de 1901, pág. 317.)

Nº 1462.]

REPÚBLICA DE CHILE,
MINISTERIO DE RELACIONES EXTERIORES,
Santiago, 24 de diciembre de 1898.

SEÑOR:

* * * * *

En contestación, me cabe el honor de llamar la atención de VS. sobre diversos hechos, que VS. conoce, y que han impedido al gobierno de Chile dar, por su parte, una solución definitiva en este importante asunto.

Sabe VS. que la discusión del protocolo dió origen en la honorable cámara de diputados á un prolongado debate, en el cual se hicieron valer diversas razones para demostrar que las estipulaciones del pacto comprometían la situación fiscal de Chile, á menos de ajustarse en él la forma y condiciones en que debería hacerse la explotación de los yacimientos salitrales que existen en las provincias de Tacna y Arica.

Si esta discusión absorbió casi la totalidad del período de sesiones ordinarias, en las extraordinarias ha debido el congreso ocuparse preferentemente de la ley de presupuestos y otras de carácter constitucional urgente, sin que hasta hoy haya terminado su despacho por razones de política interna, que no permiten esperar siquiera en la conveniencia de pedir que se discuta nuevamente un asunto, como el protocolo, que tan hondas perturbaciones produjo en la cámara de diputados.

Estas consideraciones, á las cuales debo agregar la que nace de lo avanzado de la estación, en que es costumbre clausurar las sesiones del congreso, llevarán sin duda al ánimo del gobierno del Perú y de VS., el convencimiento de que no ha estado en la mano de este gobierno, el remover los graves obstáculos que han impedido allanar, en forma satisfactoria y en breve tiempo, las dificultades pendientes, como lo ha deseado vivamente.

Renuevo á VS., con este motivo, las seguridades de mi distinguida consideración.

V. BLANCO.

Al Sr. MANUEL F. BENAVIDES,
Encargado de Negocios del Perú.

Conference between the Peruvian Minister Chacaltana and the Minister of Foreign Affairs of Chile, relative to the necessity for approving the Billinghurst-Latorre protocol, May 10, 1900.
(Circular of 1901, p. 339.)

On the 25th of April and the 3d of May of the present year, there met at the Department of Foreign Affairs of Chile, the Envoy Extraordinary and Minister Plenipotentiary of Peru, Sr. Cesareo Chacaltana, and the Minister for Foreign Affairs, Sr. Rafael Errazuriz Urmeneta, the former stating that he had requested from the latter a few special interviews for the purpose of complying with the mission entrusted to him by his government; adding that, in undertaking these conferences, he was imbued with the same sentiments as those expressed by him in his reception speech. He also said that it was not his intention to precipitate matters, but still he desired, calmly and dispassionately, in agreement with the Chilean Government, to attain, at the earliest possible moment, the solution of the problem relative to the final status of the territories of Tacna and Arica.

The Minister for Foreign Affairs replied that the Chilean Government was likewise animated by identical sentiments and intentions, and that he would, on his part, consider himself happy, if the outcome of these conferences should prove to be the definite and satisfactory solution of the problem for the two countries.

The Minister of Peru, proposed that the conferences should be recorded in minutes, signed by the negotiators, a proposal which was accepted by the Minister for Foreign Affairs. The Minister of Peru mentioned the legitimate desire of his government that this matter should be settled during the ordinary legislative sessions of the present year, to which there could be no objection, since both governments were anxious to settle it as early as possible. He added that it was likewise necessary to make up for the delays so far experienced and to put an end to the uneasiness and disturbances which the present unusual situation and the partisan debates which it originates, are producing both in Chile and in Peru, hindering on not a few occasions, the peaceful work of both Chanceries.

The Minister for Foreign Affairs, agreed that it was imperative not to defer the solution of the problem in question but added that, as the final ratification of the agreement did not depend alone on the Executive, but also on the Legislature, it was not easy to specify any definite date. At any rate, he added, the Chilean Government will endeavor to have this matter decided during the course of the present year.

At this point the conference was adjourned until the third of May, on which date the conference was resumed as follows:

The Minister of Peru stated that: in his opinion, the natural and necessary basis of the agreement, relative to the procedure to be followed for the determination of the final status of the provinces of Tacna and Arica, was the Treaty of Ancon; more especially the regulations stipulated in Article 3, the terms of which he recited. Although Peru, he said, signed the treaty under most unusual circumstances, my government still believes that its provisions cannot be overlooked when settling the difficulties at issue. He concluded by declaring that he would have omitted this statement were it not that opinions had recently been expressed implying that that portion of the treaty alluded to was no longer valid.

The Minister for Foreign Affairs declared that the views of his government coincided with those expressed by the Minister of Peru. In the opinion of the Chilean Government, he said, Article 3 of the Treaty of Ancon must, as is natural, be carried out, when deciding upon the conditions for the plebiscite, dealing with the definite nationality of the provinces of Tacna and Arica; and he concluded by stating that, on this point, there could be no two opinions between the Chanceries of Chile and Peru.

The Minister of Peru then said that since they were agreed upon this point, he would suggest, on behalf of his government, that the Billinghurst-Latorre protocol should be carried into effect, to which end he asked for the final approval of the highest Powers of Chile. He spoke at length in support of this request, citing as chief argument in its favor those which are hereafter briefly expressed.

He gave a detailed review of the history of the negotiations undertaken since 1892, when they were begun by Messieurs Larrabure y Unanue and Vial Solar, to the drawing up of the protocol above mentioned; when, during the course of these negotiations, no less than eight attempts to effect a settlement upon as many different bases had ended in utter failure and had

consumed an equal number of years. The Billinghurst-Latorre protocol, he said, is the fruit of a series of efforts, the result of a long and laborious diplomatic process, at the conclusion of which the two governments have finally reached an agreement, after eliminating everything from it which each considered incompatible with the fundamental interests of their respective countries; if the protocol is put aside it will be necessary to undertake anew an interminable and almost impossible task.

He also said that were the protocol to be discarded, the government of Peru, upon new bases of settlement being discussed, would endeavor to secure for its country more advantageous terms than those which were covenanted in that agreement, which the Government of Chile would likewise endeavor to obtain in its own favor; in any event, neither of the two governments would be willing to accept less favorable terms for their respective countries than those which are stipulated in the protocol. The two republics, in this case, instead of drawing closer together, would drift farther apart, and thus increase the difficulty of securing a new settlement upon different conditions.

He likewise said that while the protocol in question does not satisfy the extreme demands of either of the two countries, it leaves unimpaired the expectations of both in respect to the final ownership of the territories of Tacna and Arica, and thus becomes, in accordance with the laws of modern civilization, a just and impartial arbitrator for the settlement of the differences which have arisen concerning the procedure and the conditions of the plebiscite. While it may be that as a consequence of the arbitration agreed upon, Chile runs the risk of seeing those rights and principles defeated which she considers incontrovertible, Peru is in precisely the same position. What would, however, in no case be either equitable or acceptable is that either of the interested governments should attempt to constitute itself as arbiter and to decide of their own accord respecting the procedure and conditions of the plebiscite.

He said, further, that upon the conclusion of the protocol a number of important questions were left in abeyance, among which were the claims of Peru, founded upon the occupation by Chile of a portion of the province of Tarata, and the objections made, at the proper time, by the former, to the occupation of the territories of Tacna and Arica by the latter, after the ten years provided in the Treaty of Ancon had elapsed. These and other matters which are taking place at the present time, such as the

claim relating to the schools of Tacna and Arica and the Peruvian preceptors would be implicitly decided upon by the final approval of the protocol.

He said, in conclusion, that the Billinghurst-Latorre agreement had been approved by the Executive Power, and by both branches of the Legislature of Peru; that the Administration of His Excellency, Sr. Romaña, could not, unless it disregarded the outcome of the vote of the Legislature, which was still in force, lay aside this covenant; on the contrary, his duty was to strive to secure the final sanction thereof. This would also be, he said, the easiest solution for Chile, and in keeping with the condition of the matter as it stands at present before her highest Powers; the protocol can already count upon the approval of the Executive, and that of almost all the Legislators who made up the Senate in 1898. The Administration of His Excellency, Sr. Errazuriz, with a firmness of conviction worthy of the important international interests under consideration, supported the Billinghurst-Latorre settlement in the House of Representatives, and recommended its approval once again in 1899; it is therefore natural to entertain the hope that he would make a further effort to obtain its approval by the next House which is about to convene. Thus the concluding part of the aforesaid instrument providing for its ratification by the respective Legislatures, and for the exchange of ratifications at the earliest possible date, will also be carried out.

The Minister for Foreign Affairs said that, as it was well known, the present Government of Chile had undertaken to conclude the protocol in question, and had endeavored to obtain its approval by Congress; but owing to various reasons there had arisen in the House such a well-defined current of opinion against the settlement, that it was decided, to avoid the risk of an irretrievable failure, no longer to insist in putting it to the vote of the House, the government preferring to leave matters in the condition in which they stand today. He also said that he was aware that during the course of the last year, opposition to the protocol had increased in Chile, which made the government's position still more difficult. He added, that he could not tell at this moment, what would be the predominant opinion in the next House of Representatives. The latter has recently been entirely renewed and will include among its members many persons who have not previously belonged to it. The government will not be in a position to tell with any degree of certainty until the beginning of June, whether it can count upon a majority in favor of the

agreement, and therefore, whether it will be possible or not to obtain the consent of the House to its final approval.

He stated, thereupon, that his government would have no objection, if Peru should so desire it, to request the House during the month of June, already mentioned, to hold such special sessions as would be necessary to discuss and finally decide this question; that as this decision did no longer rest with the Executive, but with Congress, it would not be possible until the House should have decided, to give a definite answer in respect to the fate of the protocol.

Referring to the questions still unsettled, between Chile and Peru, he said that to those already mentioned should be added that relating to the claims of Chileans who had suffered during the War of the Pacific, which was also provided for in the Treaty of Ancon.

The Minister of Peru concurred in that the approval of the protocol did not indeed depend today on the Executive, but on the House; that in view of the fact that so many powerful reasons as had already been specified, existed in favor of the approval, his government hoped that the Chilean Executive would in due time and with the same insistence as upon a previous occasion, strive to obtain it.

With regard to the claims of injured Chileans, he said that he did not doubt but that an equitable and satisfactory result would be forthcoming upon the execution of the Treaty of Ancon, in respect to this matter and to the plebiscite, and recalled the agreement that had been already signed dealing with this point.

The Minister for Foreign Affairs stated that for his government's part certain steps had already been taken with reference to the protocol, which he would not disavow, but that, in order to clarify the position which it would have to adopt during the next session of Congress and to furnish a definite reply as desired, it would be necessary to wait until the government's attitude should be further defined during one of the next meetings of the Council of Ministers.

Owing to the latter declaration, and to the circumstance that the final approval of the protocol does not rest with the Executive, who has already approved and sustains it, but depends upon the vote in the House of Representatives, it was agreed to adjourn these conferences until the beginning of June, or earlier in case either of the Representatives of Peru or Chile should so request it.

Conferencia entre el Ministro peruano Chacaltana y el Ministro de Relaciones Exteriores de Chile sobre la necesidad de aprobar el protocolo Billingham-Latorre, mayo 10 de 1900.
(Citada circular de 1901, pág. 339.)

Reunidos en la sala del ministerio de relaciones exteriores de Chile, los días 25 de abril y 3 de mayo del presente año, el enviado extraordinario y ministro plenipotenciario del Perú, señor don Cesáreo Chacaltana, y el ministro del ramo, señor don Rafael Errázuriz Urmeneta, manifestó el primero que había solicitado del segundo algunas audiencias especiales, con el objeto de dar cumplimiento á la misión que su gobierno le había encomendado; y agregó que, al iniciar estas conferencias, se encontraba animado de los mismos sentimientos que había expresado en su discurso de recepción. Dijo también, que, sin el propósito de festinar los procedimientos, deseaba llegar, de acuerdo con el gobierno de Chile, en una forma tranquila, á la más pronta solución del problema relativo á la nacionalidad definitiva de los territorios de Tacna y Arica.

El señor ministro de relaciones exteriores contestó que el gobierno de Chile se encontraba animado de iguales sentimientos y propósitos, y que él, por su parte, se consideraría feliz si se arribaba en estas conferencias á dar, al problema enunciado, un solución definitiva y satisfactoria para ambos países.

El señor ministro del Perú propuso que las conferencias fueran consignadas en protocolos, autorizados con las firmas de los negociadores, cuya idea fué aceptada por el señor ministro de relaciones exteriores.

El señor ministro del Perú expresó, en seguida, el justo deseo de su gobierno de que se diese término á este asunto en el curso de las sesiones legislativas ordinarias del presente año, para lo cual no podía haber inconveniente, desde que ambos gobiernos anhelaban solucionarlo lo más pronto posible. Agregó que era, además, necesario reparar en algo las dilaciones en que se había incurrido y poner fin á las inquietudes y excitaciones que producen, tanto en Chile como en el Perú, la presente situación anormal y los apasionados debates que motiva, dificultando, en no pocas ocasiones, la acción tranquila de ambas cancillerías.

El señor ministro de relaciones exteriores convino en la necesidad de no dilatar la solución del problema en referencia; pero, agregó, que, como la sanción definitiva del proyecto respectivo no dependía

exclusivamente del poder ejecutivo, sino también de las cámaras legislativas, le era difícil fijar un plazo. De todos modos, agregó, el gobierno chileno procurará que el asunto quede resuelto el presente año.

En este estado, se suspendió la conferencia, para continuarla el día 3 de mayo, la que se verificó en la siguiente forma:

El señor ministro del Perú manifestó que, en su concepto, la base natural y obligatoria del convenio relativo á los procedimientos que deben observarse para fijar la nacionalidad definitiva de las provincias de Tacna y Arica, era el tratado de Ancón; en especial, las reglas establecidas en su artículo 3º, cuyos términos recordó. Aunque el Perú, dijo, puso su firma en ese tratado, en circunstancias bien excepcionales, mi gobierno cree que no debe prescindirse de sus cláusulas al resolver la dificultad indicada. Concluyó expresando que habría omitido esta declaración, al no haberse sustentado, recientemente, opiniones tendientes á desconocer la vigencia del mencionado tratado, en la parte recordada.

El señor ministro de relaciones exteriores declaró, que las opiniones de su gobierno coincidían con las emitidas por el señor ministro del Perú. En concepto del gobierno de Chile, dijo, como era de suponerse, debe cumplirse el artículo 3º. del tratado de Ancón, al formular las bases del plebiscito relativo á la nacionalidad definitiva de las provincias de Tacna y Arica; y concluyó expresando que, en este punto, no podía haber divergencia de pareceres entre las cancillerías de Chile y del Perú.

El señor ministro del Perú hizo presente, entonces, que estando acordes en este punto, proponía á nombre de su gobierno, que se llevase adelante el protocolo Billinghamst-Latorre, á cuyo efecto solicitaba de los altos poderes de Chile su sanción definitiva. Sustentó, por extenso, este pedido, y adujo, como principales los razonamientos que, en resumen, se expresan en seguida:

Recordó minuciosamente, la historia de las negociaciones seguidas desde 1892, en que se iniciaron por los señores Larrabure y Unanue y Vial Solar, hasta la celebración del mencionado protocolo, en el curso de las cuales habían fracasado no menos de ocho tentativas de arreglo sobre bases diferentes, y se había empleado un número igual de años. El protocolo Billinghamst, dijo, es el fruto de una serie de esfuerzos, el resultado de un largo y laborioso proceso diplomático, al fin del cual se pusieron de acuerdo ambos gobiernos, después de eliminar lo que cada uno reputó incompatible con los más fundamentales intereses de su país; si se prescinde hoy del protocolo, habrá que volver al principio de una labor interminable y poco menos que imposible.

Manifestó también, que si el protocolo fuera abandonado, al concertarse nuevas bases de arreglo, el gobierno del Perú procuraría obtener para su país condiciones más ventajosas de las que se obtuvieron en dicho pacto, y el de Chile pretendería idéntica cosa para el suyo; en todo caso, ninguno de los dos gobiernos se resignaría á aceptar para su nación condiciones más desfavorables de aquellas en que las ha colocado el protocolo. Las dos repúblicas, en tal caso, en vez de aproximarse, se colocarían á mayor distancia, y se acentuaría así la imposibilidad de un nuevo arreglo, sobre bases diferentes.

Dijo, en seguida, que si bien el protocolo en cuestión no satisface las exigencias extremas de ninguno de los dos países, deja en pié las expectativas de ambos á la adquisición definitiva de los territorios de Tacna y Arica, y constituye, en armonía con las leyes de la civilización moderna, un árbitro imparcial y justo para dirimir las divergencias surgidas respecto á la forma y condiciones del plebiscito. Si con el arbitraje pactado, Chile se expone á ver desconocidos los derechos y principios que reputa incontrovertibles, al Perú le sucede otro tanto. Lo que, en ningún caso, sería justo ni aceptable es, que cualquiera de los dos gobiernos interesados pretendiese constituirse en árbitro, para determinar por sí sólo la forma y condiciones del plebiscito.

Continuó diciendo, que, con la celebración del protocolo, quedaron en estado de receso varias cuestiones de importancia, entre otras, los reclamos del Perú sobre la ocupación por parte de Chile de una parte de la provincia de Tarata, y las objeciones hechas oportunamente por el primero á la ocupación por el segundo, de los territorios de Tacna y Arica después de los diez años previstos en el tratado de Ancón. Estas y otras que surgen actualmente, como la relativa á las escuelas de Tacna y Arica, regentadas por preceptores peruanos, quedarían implícitamente resueltas con la sanción definitiva del protocolo.

Concluyó haciendo notar: que el pacto Billingham-Latorre había sido aprobado por el poder ejecutivo y por las dos ramas del poder legislativo del Perú; que el gobierno del Excmo. señor Romaña no podría, sin desconocer los efectos del voto de las cámaras, subsistente aún, hacer caso omiso del enunciado pacto; antes bien, debe perseguir su sanción definitiva. Para Chile—agregó—debe ser esta también la solución menos difícil y la más en armonía con el estado del asunto ante sus altos poderes; el protocolo cuenta ya con la aprobación del poder ejecutivo y con la casi unánime de los honorables legisladores que compusieron el senado de 1898. El gobierno del Excmo. señor Errázuriz, con

una firmeza de convicción digna de los altos intereses internacionales en debate, sostuvo el arreglo Billingham-Latorre en la cámara de diputados, y recomendó otra vez su aprobación en 1899; natural es abrigar la esperanza de que hará un esfuerzo más para conseguir su aprobación en la cámara de diputados próxima á instalarse. De este modo, tendrá también algún efecto la parte final del documento referido, en el cual se estipuló que la convención sería ratificada por los respectivos congresos y canjeada dentro del más breve plazo posible.

El señor ministro de relaciones exteriores dijo: que, como era sabido, el actual gobierno de Chile había concurrido á la celebración del protocolo en referencia, y se había esforzado por conseguir su aprobación en el congreso; pero, por motivos de diverso orden, había llegado un momento en que se produjo en la cámara de diputados tan pronunciada corriente de opinión en contra del arreglo, que para no exponerlo á un fracaso ruidoso, se prefirió no exigir con más insistencia que dicha cámara se pronunciase en una votación, y optó el gobierno por dejar las cosas en el estado en que hoy se encuentran. Dijo, igualmente, que no se le ocultaba que en el trascurso del último año había aumentado en Chile la oposición al protocolo, dificultándose así la acción de su gobierno.

Sin embargo—añadió—no podría decir en estos momentos, cuál es la opinión que prevalecerá en la próxima cámara de diputados. Ésta acaba de renovarse totalmente, é ingresarán á su seno muchas personas que antes no pertenecieron á ella. El gobierno no se dará cuenta con exactitud, hasta principios de junio, si habrá ó no una mayoría favorable al convenio, y, por consiguiente, si será ó no posible contar con el concurso de ella para sancionarlo definitivamente.

Expresó, á continuación, que su gobierno no tendrá inconveniente en ningún caso, si así lo desea el del Perú, para solicitar de la cámara de diputados, en el expresado mes de junio, las sesiones especiales necesarias para tratar del asunto y resolverlo definitivamente; que no pendiendo ya, esta resolución del poder ejecutivo, sino del congreso, no le era posible, hasta después que se hubiese pronunciado la cámara de diputados, dar una contestación sobre la suerte del protocolo.

Refiriéndose á las cuestiones pendientes entre Chile y el Perú, dijo que, á las antes enumeradas, había que agregar la relativa á los reclamos de los damnificados chilenos en la guerra del Pacífico, prevista también en el tratado de Ancón.

El señor ministro del Perú expresó que, en realidad la sanción

del protocolo no dependía hoy del poder ejecutivo, sino de la cámara de diputados; pero su gobierno esperaba, ya que militaban motivos tan poderosos, como los antes enunciados, en favor de dicha sanción, que el poder ejecutivo de Chile la recabaría oportunamente, con el empeño de otras veces.

En cuanto á los reclamos de los damnificados chilenos, dijo que no dudaba se llegaría á un resultado equitativo y satisfactorio, al cumplirse el tratado de Ancón en esta parte y en la relativa al plebiscito, y que sobre esta materia se había ya firmado un convenio.

El señor ministro de relaciones exteriores manifestó, que, por parte de su gobierno, se habían producido algunos actos referentes al protocolo, con los cuales no se pondría en contradicción; pero que, para precisar la actitud que asumiría en las próximas sesiones del congreso, y dar una respuesta clara, necesitaba esperar que esa actitud se definiese en uno de los próximos acuerdos en consejo de ministros.

A mérito de esta última declaración, y de la circunstancia de no depender la sanción definitiva del protocolo del poder ejecutivo, que le ha dado ya su aprobación y la mantiene, sino del voto de la cámara de disputados, se acordó suspender estas conferencias hasta principios de junio, ó antes, si lo solicitaba cualquiera de los representantes de Chile ó del Perú.

No. 84

Note from Minister Chacaltana to the Minister of Foreign Affairs of Chile, June 12, 1900, respecting the delay in securing approval. (Circular, 1901, p. 346.)

No. 7.]

PERUVIAN LEGATION IN CHILE,
Santiago, June 12, 1900.

SIR:

* * * * *

My government meanwhile believes that, owing to the importance and far-reaching consequences of the subject matter of our negotiations, I should leave a written record of the verbal undertakings made in its name and of the principal motives which induce my government to initiate these negotiations. In order to discharge this obligation, I shall proceed to recall the essential portions of our deliberations during the course of the previously mentioned conferences.

Upon undertaking the above-mentioned conferences, on April 25th of the present year, I had the pleasure to state that I was imbued with the sentiments which I had expressed to His Excellency, the President of the Republic, in my reception speech, and that, while it was not my intention to precipitate the negotiations, I desired to arrive, calmly and dispassionately, and in agreement with the Chilean Government, at an early solution of the problem relative to the future status of the territories of Tacna and Arica. Your Excellency was good enough to assure me, on that occasion, that the Government of Chile was animated by identical sentiments and that Your Excellency would be sincerely happy were we to reach a solution of the problem in a manner acceptable to both countries.

I then immediately suggested, as I have previously mentioned, that the results of the conferences should be recorded, Your Excellency readily concurring therein.

Thereupon I expressed the legitimate desire of my government that that of Chile should decide to settle this matter during the course of the legislative sessions of the present year, both to avoid the natural difficulties due to the continued postponement in which it still is, and to put an end to the unrest, excitement, and partisan debates which any abnormal situation usually creates,

embarrassing, as on several past occasions, the peaceful efforts of either chancery. Your Excellency, concurring in these views, stated that the Chilean Government was likewise anxious to end, as soon as possible, a difficult situation which disturbed the harmonious relations of both countries, and that, in order to secure this result, it would, during the course of the present year, make every effort in that direction.

This is a synopsis of our first conference. The second took place on May 3, as I purpose to relate.

I began by stating that the natural and compulsory starting point of any agreement on the procedure to be followed in carrying out the plebiscite for the final settlement of the dominion and sovereignty over the territories of Tacna and Arica, was necessarily the Treaty of Ancon, especially as regards the rules provided for in Article 3, the terms of which I recited.

Although Peru, I added, signed this treaty under circumstances which were certainly unusual, my government still maintains that its provisions cannot be ignored, when determining the conditions according to which the plebiscite is to be carried out. I concluded by saying, that I would not have made the above declaration, were it not that certain opinions had recently been sustained, questioning the validity of that portion of the treaty previously mentioned.

In view of the foregoing declarations, Your Excellency was good enough to state that your government's views were identical with these; and that, in the latter's opinion, as could be understood, the Treaty of Ancon must be carried out in every particular upon determining the conditions of the plebiscite; and your added that, on this point, there could be no possible divergence of views between the Chanceries of Chile and of Peru.

Taking this similarity of views as a starting point, I suggested, on behalf of the Peruvian Government, that as a means of carrying out the Treaty of Ancon as soon as possible, in so far as the plebiscite is concerned, the so-called Billinghurst-Latorre protocol be put into effect, to which end I solicited from Your Excellency that the government should endeavor to secure its final approval from that portion of Congress. I buttressed my request at some length with various considerations in its favor, which, briefly stated, are as follows:

I first recalled that this protocol was the result of numerous and laborious efforts. I reviewed the different negotiations successively carried on since their inception in 1892, by Sr.

Larrabure y Unanue, in the name of Peru, and Sr. Vial Solar, in behalf of the Chilean Government, which culminated in the agreement contained in the several clauses of that document. I observed that during the course of these negotiations, no less than eight attempts had failed upon as many different conditions, an equal number of years having been required in the process. The Billinghurst-Latorre protocol, I said, was the result of a long and strenuous diplomatic process, at the conclusion of which the interested governments had come to an understanding upon elimination being made of those points which each considered to be incompatible with the fundamental interests of their respective countries; and that were the agreement in question to be discarded, it would then be necessary to begin once more at the very beginning of a tedious and practically interminable task, the results of which would probably be negative.

I also said, that if the Billinghurst-Latorre protocol were to be discarded or rejected, it would be almost impossible to adopt a new basis of settlement. The Peruvian Government would, during the course of the new negotiation, endeavor to obtain more advantageous conditions than those stipulated in this protocol; and the Chilean Government, for its part, would insist upon the same in its favor. At all events, neither of the two governments would be willing to accept any conditions which were less favorable than those previously stipulated in the protocol; neither of them would be willing to agree to any requirements in the new agreement which would impair the situation of their respective countries. The two republics, in such an event, instead of drawing closer in their endeavor to reach a final agreement, would drift farther apart, thus making the possibility of reaching a new settlement upon new bases, more remote.

I also observed that while the protocol does not meet the extreme demands of either of the two countries, it does however leave unimpaired the expectations of both, to the final dominion and sovereignty of the territories of Tacna and Arica, and provides, furthermore, in consonance with the laws of modern civilization, a just and impartial arbitrator for the settlement of all pending differences relative to the procedure and conditions of the plebiscite. If, by reason of the stipulated arbitration, the rights or principles which Chile considers incontrovertible are in danger of being defeated, the same may happen to Peru. From this point of view, the condition of both countries has been nicely equalized. What in no case would be fair or acceptable, is that

either of the two governments should attempt to constitute itself as the sole arbiter to decide upon the manner and conditions governing the plebiscite. Whatever might be decided by either of them alone, would, besides bringing about a procedure in direct conflict with the provisions of the Treaty of Ancon, be open to the stigma of partiality, to which all verdicts are susceptible when judged by the interested party itself.

I also recalled the fact that upon the conclusion of the Billinghurst-Latorre protocol, several important negotiations relative to the occupation by Chile of a portion of the province of Tarata, which had been always held by Peru to be illegal, had been left in abeyance. This question, and others which are taking place at the present time, such as that relating to the closing of the schools in Tacna and Arica, directed by Peruvian teachers, would be practically resolved *ipso facto* or would be so in a short time, by virtue of the final approval of the agreement. If the latter is not approved, these matters will naturally be bound to originate further discussions, to the detriment of the friendliness which should always inspire the relations between the two countries.

I concluded by stating that the protocol had been approved by the Executive Power and by both branches of the Legislative power of Peru, that, in addition to the reasons already adduced, my government considered itself bound to secure, by every legitimate means at its command, the final approval thereof; that this solution was also the easiest for Chile and the one most in harmony with the condition of the matter under consideration, by its highest authorities, since the protocol had already won the approval of the Executive Power, as well as that of the Senate; that the government of His Excellency, Sr. Errazuriz, with a firmness of conviction worthy of the high and important international interests under discussion, had defended the settlement during the legislative term of 1898, and had reiterated his recommendation for its approval during the legislative period of 1899; that it was quite natural to entertain the hope that the same government would make a further attempt to obtain the necessary approval of the House of Representatives, which was soon to convene; that only in this manner would the last part of the protocol in question be effective which stipulated that the covenant should be ratified by the respective Congresses, and the ratifications exchanged within the shortest possible time.

In response to my request, Your Excellency assured me: That the Administration of His Excellency, Sr. Errazuriz, had un-

doubtedly given its assent to the conclusion of the protocol and had endeavored to secure its approval by Congress; but owing to several reasons, there had arisen in 1898, in the House of Representatives, such an organized opposition to the settlement, that so as not to expose it to an irretrievable rejection, it had been decided not to urge the House any further to give its vote upon the matter. Your Excellency also told me, that you could not say at the time what would be the prevailing opinion of the House of Representatives which had recently been entirely renewed—many representatives being elected who had never belonged to it before. The government, Your Excellency added, will not be able to tell until the House convenes whether there will be or not a majority favorable to the agreement, or whether or not it will be able to secure the passage of the final approval of the protocol.

Notwithstanding the foregoing considerations, Your Excellency was good enough to promise me that you would request the House to adopt, as soon as possible, a resolution in respect to the said protocol. Your Excellency added that you had no objection to requesting the House to enter into special sessions to discuss this matter, and that the desired resolution no longer resting with the Executive but with the House, you would not be in a position to furnish me with further accurate information on the probable fate of the protocol until after the convening of the Legislature.

Your Excellency, when referring, incidentally, to the questions still unsettled between Chile and Peru, said that in addition to those mentioned by me, the one relating to the claims of Chileans, who had suffered loss during the War of the Pacific, should likewise be added.

I replied that I was aware that the final approval of the protocol no longer rested with the Executive but with the House; but that my government confidently expected, since there were such powerful reasons in favor of its approval, that the Chilean Executive would, at the proper time, endeavor to obtain this approval with the same insistence as had been manifested upon a previous occasion. As to the claims for Chilean losses, I said that I did not doubt but that an equitable solution would be reached upon the carrying out of the Treaty of Ancon in respect to this point, as well as to that referring to the plebiscite, besides which, according to my recollection, an agreement had already been concluded upon this point.

Your Excellency reiterated previous declarations as well as

the promise to secure from the new Congress a prompt decision in the matter, failing to clearly express, however, what would be the attitude assumed by the Administration when confronted by the debate in the House, notwithstanding my efforts to obtain from Your Excellency a clear and definite reply, thereon.

Owing to the fact that the final approval of the protocol no longer rests with the Executive, who has already endorsed and maintains it, but on the vote of the House of Representatives, it was agreed not to appoint any definite date upon which to resume these conferences, which might be taken up again whenever the Representatives of Chile or Peru should so request it.

* * * * *

CESAREO CHACALTANA.

His Excellency RAFAEL ERRAZURIZ URMENETA,
Minister of Foreign Affairs of Chile.

Nº 84

Nota del Ministro Chacaltana al Ministro de Relaciones Exteriores de Chile, junio 12 de 1900, sobre la dilación de la aprobación.
(Citada circular de 1901, pág. 346.)

No. 7.]

LEGACIÓN DEL PERÚ EN CHILE,
Santiago, 12 de junio de 1900.

Señor MINISTRO:

* * * * *

Mi gobierno, entretanto, es de opinión, que, dada la importancia y trascendencia del asunto que ha servido de materia á nuestras deliberaciones, debo dejar constancia de las gestiones verbales hechas á su nombre y de los motivos esenciales que lo han determinado á entablarlas. A fin de cumplir este deber, paso á rememorar la parte sustancial de lo que hemos tratado en las citadas conferencias.

Al iniciar éstas, el 25 de abril del año en curso, me cupo la satisfacción de hacer constar, que procedía animado de los mismos sentimientos expresados á S. E. el presidente de la república en mi discurso de recepción, y que, sin el propósito de festinar los procedimientos, descaba llegar, de acuerdo con el gobierno de Chile, en una forma tranquila, á la pronta solución del problema relativo á la suerte futura de los territorios de Tacna y Arica. V. E. tuvo á bien expresarme, con este motivo, que el gobierno de Chile se encontraba animado de iguales sentimientos, y que V. E., por su parte, se congratularía sinceramente si arribáramos á la

solución del problema enunciado, en una forma satisfactoria para ambos países.

Inmediatamente después, propuse, como he dicho antes, que se protocolizaran las conferencias, y V. E. convino en ello.

Manifesté, en seguida, el justo deseo de mi gobierno, de que el congreso de Chile se dignase solucionar este asunto en el curso de las sesiones legislativas del presente año, tanto para evitar los inconvenientes propios del estado de aplazamiento indefinido en que se halla, como para poner fin á las inquietudes, excitaciones y apasionados debates que motiva toda situación anormal, dificultando en algunas ocasiones la acción tranquila de las cancillerías respectivas. V. E., adhiriéndose á esta manera de pensar, hizo presente que el gobierno de Chile deseaba también poner término, cuanto antes, á una dificultad que perturbaba la armonía entre ambos países, y pondría, para conseguir ese objeto, en el curso del presente año, todo el empeño necesario.

A esto se redujo nuestra primera conferencia. La segunda se verificó el día 3 de mayo, en la forma que paso á indicar.

Comencé por manifestar en ella, que la base natural y obligatoria de cualquier convenio relativo á los procedimientos plebiscitarios que deben observarse para el arreglo definitivo del dominio y soberanía de los territorios de Tacna y Arica, era el tratado de Ancón, y en especial, las reglas prescritas en su artículo III, cuyos términos recordé. Aunque el Perú, agregué, puso su firma en ese pacto, en circunstancias bien excepcionales, no debe prescindirse de sus disposiciones en concepto de mi gobierno, al fijar los principios conforme á los cuales debe llevarse á cabo el plebiscito. Concluí diciendo que habría omitido esta declaración, si recientemente no se hubieran sustentado opiniones tendientes á hacer desconocer la vigencia de aquel tratado en la parte recordada.

A mérito de estas declaraciones, V. E. tuvo á bien manifestar que las opiniones de su gobierno eran las mismas; y que, en concepto de éste, como era de suponerse, debía cumplirse el tratado de Ancón en todas sus partes, al determinar las bases del plebiscito; y agregó que, en este punto, no cabía divergencia de opiniones entre las cancillerías de Chile y del Perú.

Partiendo de esta uniformidad de pareceres, propuse, á nombre del gobierno del Perú, como medio de cumplir, lo más inmediatamente posible, el tratado de Ancón, en la parte referente al plebiscito, llevar adelante el llamado protocolo Billingham-Latorre, á cuyo efecto solicité de V. E. que el gobierno se esforzase por obtener su sanción definitiva de parte del congreso. Sustenté

por extenso este pedido, y aduje en su favor las consideraciones cuyo resumen paso á exponer.

Hice presente, ante todo, que el protocolo aludido había sido el resultado de muchos y muy penosos esfuerzos. Recordé las negociaciones sucesivamente entabladas desde que fueron iniciadas el año 1892 por los señores Larrabure y Unanue, á nombre del Perú, y Vial Solar, en representación del gobierno de Chile, hasta que se llegó al avenimiento expresado en las diversas cláusulas de aquel convenio. Hice notar que, en el curso de dichas negociaciones, se habían frustrado no menos de ocho tentativas de arreglo sobre bases diferentes, y se había empleado un número igual de años. El protocolo Billinghurst-Latorre, dije, que era el resultado de un largo y laborioso proceso diplomático, al fin del cual se habían puesto de acuerdo los gobiernos interesados, después de eliminar lo que cada cual reputó incompatible con los intereses fundamentales de su país; y si se le dejaba á un lado, había que volver al principio de una labor fatigosa, casi interminable, y de resultados probablemente negativos.

Manifesté, en seguida, que si se desechaba ó era abandonado el protocolo Billinghurst-Latorre, sería poco menos que imposible llegar á concertar nuevas bases de arreglo. El gobierno del Perú, en el curso de la nueva negociación, procurará obtener condiciones más propicias de las consignadas en dicho pacto; y el gobierno de Chile pretenderá idéntico resultado á su favor. En todo caso, ninguno de los dos gobiernos se resignará á suscribir condiciones menos favorables de aquellas en que los ha colocado el protocolo; ninguno estará dispuesto á estipular requisitos, que empeoren la situación de sus respectivos países. Las dos repúblicas, en tal caso, en vez de aproximarse en el camino de un avenimiento definitivo, se colocarían á mayor distancia, dificultando la posibilidad de un nuevo arreglo sobre bases diferentes.

Hice notar igualmente- que si bien el protocolo no satisface las exigencias extremas de ninguno de los dos países, deja en pié las expectativas de ambos á la adquisición definitiva del dominio y soberanía de los territorios de Tacna y Arica, y constituye además, en armonía con las leyes de la civilización moderna, un árbitro imparcial y justo para dirimir las divergencias pendientes respecto á la forma y condiciones del plebiscito. Si, á mérito del arbitraje pactado, pueden resultar desconocidos los derechos ó principios incontrovertibles en concepto de Chile, al Perú le puede suceder otro tanto. Bajo este punto de vista se ha equilibrado la condición de ambos países. Lo que en ningún caso

sería justo y aceptable, es que alguno de los dos gobiernos pretendiera constituirse en árbitro único para determinar la forma y condiciones del plebiscito. Lo que cualquiera de ellos resolviera por sí solo, además de entrañar un procedimiento contrario á lo dispuesto en el tratado de Ancón, adolecería de la parcialidad inherente á todo fallo expedido por el que se constituye en juez de su propia causa.

Recordé, también, que con la celebración del convenio Billinghurst-Latorre habían quedado en estado de receso varias gestiones de importancia, entre otras, la relativa á la ocupación por parte de Chile de una porción de la provincia de Tarata, estimada siempre como indebida por el gobierno del Perú. Esta cuestión y otras que surgen actualmente, como la relativa á la clausura de las escuelas de Tacna y Arica, regentadas por preceptores peruanos, quedarían implícitamente resueltas ó en camino de serlo en un breve plazo, con la sanción definitiva del enunciado convenio. Si éste no se aprueba, aquellas gestiones tendrán que entrar, como es natural, en nuevo período de actividad, con perjuicio de la buena armonía que debe presidir las relaciones de ambos países.

Concluí manifestando: que el protocolo había sido aprobado por el poder ejecutivo y por las dos ramas del poder legislativo del Perú; que, por tal motivo, aparte de los ya indicados, mi gobierno se consideraba obligado á procurar, por los medios legítimos á su alcance, su sanción definitiva; que esta solución era también para Chile la menos difícil y la más en armonía con el estado del asunto ante sus altos poderes, supuesto que el protocolo contaba ya con la aprobación del poder ejecutivo y la de la honorable cámara de senadores; que el gobierno del Excmo. señor Errázuriz, con una firmeza de convicción digna de los elevados y cuantiosos intereses internacionales en debate, había defendido el arreglo en la legislatura de 1898, y había reiterado su recomendación para que fuera aprobado en la de 1899; que era natural abrigar la esperanza de que el mismo gobierno haría un nuevo esfuerzo para conseguir la respectiva aprobación de la cámara de diputados próxima á instalarse; que sólo de este modo tendría explicación y produciría algún efecto la parte final del protocolo referido, en la cual se estipuló que la convención sería ratificada por los respectivos congresos, y canjeada dentro del más breve plazo posible.

En respuesta á mi pedido, V. E. me expresó: que indudablemente el gobierno del Excmo. señor Errázuriz había concurrido

á la celebración del protocolo y se había esforzado por conseguir su aprobación en el congreso; pero que, por motivos diversos, se había producido en la cámara de diputados, en 1898, tan pronunciada corriente de opinión en contra del arreglo, que, á fin de no exponerlo á un rechazo indudable, se prefirió no exigir con más insistencia el pronunciamiento de dicha honorable cámara. Me dijo también V. E., que no podía afirmar en esos momentos cuál sería la opinión dominante en la honorable cámara de diputados, la cual acababa de ser renovada totalmente, por cuyo motivo ingresarían á su seno, en calidad de representantes, muchas personas que antes no pertenecieron á ella. El gobierno, agregó V. E., no podrá darse cuenta hasta después de constituida la expresada cámara, de si habrá ó no una mayoría favorable al convenio, y si se podrá ó no obtener el concurso de ella para su sanción definitiva.

No obstante lo indicado, V. E. tuvo á bien ofrecirme que solicitaría de la honorable cámara de diputados expidiese su resolución sobre aquel pacto lo más pronto posible. Me agregó, que no tenía inconveniente para pedir á la misma las sesiones especiales necesarias para tratar del asunto, y que no dependiendo ya la resolución esperada del poder ejecutivo, sino de la honorable cámara de diputados, no estaría en aptitud de darme nuevos y seguros datos sobre la suerte del protocolo hasta después de la reunión de aquélla.

Refiriéndose V. E. de una manera incidental, á las cuestiones pendientes entre Chile y el Perú, dijo que, á las indicadas por mí, debía agregarse la relativa á los reclamos de los damnificados chilenos en la guerra del Pacífico.

Repliqué, por mi parte, que, en realidad, la sanción definitiva del protocolo no dependía del poder ejecutivo sino de la honorable cámara de diputados; pero mi gobierno confiaba, ya que militaban motivos tan poderosos en favor de su aprobación, en que el poder ejecutivo de Chile recabaría ésta oportunamente, con el empeño de otras veces. En cuanto á los reclamos de los damnificados chilenos, manifesté que no dudaba se llegaría á un resultado equitativo, al cumplirse el tratado de Ancón en esta parte y en la referente al plebiscito, y que sobre dicha materia, según recordaba, se había firmado un convenio.

V. E. insistió en sus declaraciones anteriores y en el ofrecimiento de pedir al próximo congreso la pronta resolución del asunto, sin expresar con precisión cuál sería la actitud del gobierno en presencia del debate en la honorable cámara de diputados, no obstante

mi empeño para obtener una respuesta clara y categórica sobre el particular.

A mérito de la circunstancia de no depender la sanción definitiva del protocolo del poder ejecutivo, que le ha dado ya su aprobación y la mantiene, sino del voto de la honorable cámara de diputados, se acordó suspender la designación de días especiales para proseguir las conferencias, pudiendo reanudarlas siempre que lo solicitase cualquiera de los representantes de Chile ó del Perú.

* * * * *

CESAREO CHACALTANA.

Excmo. señor don RAFAEL ERRÁZURIZ URMENETA, MINISTRO
DE RELACIONES EXTERIORES DE CHILE.

No. 85

Note from Minister Chacaltana to the Chilean Minister of Foreign Affairs, January 19, 1901, dealing with the rejection of the Protocol by the Chilean Lower House. (Circular, 1901, p. 476.)

No. 5.]

PERUVIAN LEGATION IN CHILE,
Santiago, January 19, 1901.

SIR: The House of Representatives, during its session of the 14th inst., has adopted in respect to the Billinghurst-Latorre protocol, negotiated nearly three years ago, a resolution which reads as follows:

“Taking into consideration the various remarks made during the debate, and more especially the advisability of having the points which the protocol of April 16, 1898, leaves to the decision of an arbitrator, settled directly by the Governments of Chile and Peru, it is resolved by the House that the records be sent to the Executive so that new diplomatic negotiations may be initiated for the purpose of carrying into effect Article 3 of the Treaty of Ancon.”

This resolution implies the rejection of the principal portion of that covenant, which refers to the arbitration stipulated therein. It likewise takes the shape of a dilatory measure, the intention of which is to delay, still longer, the carrying out of the plebiscite.

If the Governments of Peru and Chile appealed, as a last and supreme resort, to arbitration, to settle their differences in this matter, it was on account of the utter impossibility of reaching a direct agreement, and because of the failure of the suggestions put forward for bringing it about. How, therefore, can it be supposed that once arbitration is eliminated, it will be an easy task for both governments to solve the difficulty by direct agreement, resurrecting proposals which have already been rejected?

The protocol was negotiated for the purpose of carrying into effect the provisions of Article 3 of the Peace Treaty of 1883; its rejection, as well as this latest postponement of every possible settlement, is causing grave injury to the vital political interests of Peru, keeping her subjected to the most grievous situation and tending to deprive her of her just and well-founded hopes in respect to the provinces of Tacna and Arica.

So far the natural aspiration of my country which, since 1892,

has indefatigably sought the execution of the plebiscite, has been disappointed. I wish, on this occasion, to leave on record the several efforts made by my government and the uselessness of its repeated attempts to arrive at a worthy, harmonious and enduring agreement with that of Your Excellency.

Peru is confronted by the necessity of disclaiming for herself and in the eyes of other nations, which view with concern our lamentable and unending differences, all responsibility for these occurrences.

The legal term of occupation ended in March, 1894. Peru duly made this known at the proper time, both through her Minister of Foreign Affairs, Sr. Jimenez, during his conferences with the Chilean representative, Sr. Vial Solar, and through her Plenipotentiary at Santiago, Sr. Ribeyro. In the note addressed by the latter to the Chilean Chancery, under date of the 27th of March, 1894, it was declared that the Peruvian Government maintained its interpretation of Article 3 of the Peace Treaty in the sense that the occupation was not legally Chile's after March 28, 1894.

Your Excellency's government, in order to justify the occupation after the date in question, endeavored to give to the treaty a different interpretation, but its explanations were refuted by the following events. Sr. Sanchez Fontecilla, Minister of Foreign Affairs of Chile, during the course of a conference with Sr. Ribeyro, held on September 28, 1894, stated that the Plenipotentiary of Chile, at Lima, Sr. Maximo R. Lira, had carried instructions to request from Peru an extension of the period of occupation. In a subsequent conference, held on the 19th of October of the same year, between the same officials, Sr. Sanchez Fontecilla insisted upon the above-mentioned intention of his government, and proposed the extension of the period of occupation by Chile until March, 1898. Peru, on her part, never accepted, nor was she ever willing to accept, the above-mentioned extension.

This request, at all events, shows how well aware was Your Excellency's government that, in order to give an appearance of legality to her continued occupation of Tacna and Arica, after March 28, 1894, the express and voluntary consent of Peru was required.

How could it be otherwise, in view of the precise terms and unambiguous sense, free from obscure interpretation, of Article 3 of the aforementioned treaty.

The lawful occupation ended, therefore, on March 28, 1894. The actual extension for a period of seven years, continuing until today, has never been acquiesced in by Peru, although she has been requested to consent to it; that continued occupation has been imposed by the occupier and it continues to this day. While the fate of the protocol depended upon the resolutions of Your Excellency's government, Peru did not press her claims, so as not to complicate a situation from which an equitable settlement might be obtained, but since the hope of a speedy and impartial settlement is unattainable, those claims still stand and recover all their one time force. It is Peru's duty to prove that Chile illegally occupies the territories in question since March 28, 1894.

My government, convinced from the first of the importance of its international obligations, and being likewise interested in putting an end to such an abnormal condition of affairs, has spared no effort nor neglected any opportunity or refused any sacrifice in order to pave the way to a friendly settlement of the matter. Although the details of the negotiations initiated by Peru are well known and contained in another document prepared by the Peruvian Department of Foreign Affairs, it is, imperative to have a further record thereof on this latest occasion.

Article 3 of the Peace Treaty authorized Chile to occupy the provinces of Tacna and Arica for ten years only, at the end of which a plebiscite was to decide their future status. The protocol intended to determine the manner and conditions for the plebiscite was, according to the treaty, to be the outcome of an agreement between the Governments of Peru and Chile. For the faithful observance of these provisions, but especially, in order to prevent every possible pretext for an irregular and illegal occupation, after the ten-year term, the protocol, or such other settlement, in its stead, was to have been concluded before March 28, 1894. And should this have been impossible, owing to reasons beyond the control of the contracting parties, it was their duty to continue the negotiations from that date on, until an agreement should have been concluded, with as little delay as possible, and avoiding unaccountable intervals.

* * * * *

Peru, as can readily be seen, has suggested every possible combination; she has been ready to make every kind of sacrifice; she has brought into action every honorable means to secure an equitable settlement. Having at last exhausted every effort and recommendation, she agreed, as any peace-loving nation in her

position would, upon arbitration, that recourse of modern civilization, which brought her no advantage over Chile, unless, perhaps, that which may be apparent from the evident justice of her claim.

* * * * *

I must recall, with regard to the failure to approve the protocol, that the only concrete and unambiguous solution, presented on behalf of Chile during the course of the negotiations, at the time when the proposals of my government were rejected, was the offer made to Peru to forego her expectations and rights, in exchange for an indemnity of ten or more million "soles"; the same thing was done in 1890, in 1895 and in 1898. But on all three occasions Peru declared her irrevocable determination never to give up the provinces of Tacna and Arica for any sum of money whatsoever; being more inclined to pay an equal amount, in order to bring them back definitely under her sovereignty. The attitude of Your Excellency's government, in respect to the plebiscite, has been markedly negative in character and distinguished by a systematic resistance to every solution proposed by Peru. It is owing to this that the illegal occupation of these provinces has been already unlawfully prolonged for seven years and apparently will continue thus indefinitely.

* * * * *

During the ten years of lawful occupation Chile could have endeavored to secure, by legitimate means, the good-will of the denizens of these territories, with a view to the plebiscite. But today, seven years after the conclusion of the ten-year term, when her rights as occupier have already long since ended, every measure tending to subvert that opinion, and especially those which infringe the Peace Treaty, cannot be considered by my government except as serious attempts at annexation, more or less overt, more or less disguised.

Coercion, and not conviction, is apparently the supreme recourse brought into existence by the authorities in those provinces to successfully obtain, or, rather, to artificially impose on them, the final dominion and sovereignty of Chile.

The rejection of the protocol and of every condition of settlement previously proposed, the continued failure to carry out the provisions of Article 3 of the Peace Treaty, during seven years, and the imposition, simultaneously, of rigorous, coercive measures in the territory are tantamount, arbitrarily and forcibly preparing a virtual annexation, a farcical settlement, invested, possibly,

with the outward form of a plebiscite whose purpose is no other than to defeat the legitimate expectations and rights of the Peruvian nation.

My government has been and still is willing to undertake the carrying out of the plebiscite, provided it be effected shortly, in pursuance of the provisions of the Peace Treaty, under legal conditions and with the necessary guarantees to ensure the free will of the voters. But my government is also determined, as any other would be, neither to accept nor sanction any plebiscite which infringes the provisions of the treaty, or one which would be carried out under conditions which have not been agreed to by both parties but have been imposed by one of them, and effected, also, under cover of measures enacted by illegal means.

The provinces of Tacna and Arica were to have decided respecting their fate in 1894, when the rights of Chile, as the possessor thereof, came to an end, and while the legal regime had, as yet, not been altered therein. Your Excellency's government had no right to violently and fundamentally change the former condition of these provinces, for the purpose of securing, by creating an altered situation after the passage of years, increased chances for a victory, which their former condition did not offer. It would be just as unsound to maintain that Chile was allowed to delay the plebiscite for seven or ten years, subsequent to 1894, in order to bring about a situation more favorable to her interests, as to contend that she could do this identical thing, with the same intention, for one hundred years or indefinitely. From this last proposition to the putting forward, in times of peace, of the right of conquest, is but a single step. In order that the plebiscite may fulfill the requirements of justice and conform to the stipulations of the treaty of which it is the outcome, it is therefore imperative to bring about, as far as possible, the condition of affairs which existed in 1894; it is therefore very essential, in the first place, that the measures specified in my note of the 14th of November be repealed, so as to restore the legal situation existing at the time.

The willingness of Peru to agree to every possible settlement cannot, however, be indefinite; her participation in the plebiscite cannot be merely nominal; her action in this procedure cannot be limited to that of a mere spectator. As an autonomous unit, jealous of her dignity and of her rights, as well as respectful of the dignity and rights of Chile, all she has claimed has been the faithful carrying out of the Peace Treaty by means of friendly

settlements proposed by her, or through arbitration, when an agreement with regard to these settlements was impossible.

These are not, as some seem to have mistakenly supposed, negotiations as between victor and vanquished; the rights of Chile, the victor, ended seventeen years ago, upon the ratification of the peace treaty concluded between both nations. Since then there are only two States, free and of unequal material strength, it is true, but with equal sovereign power as viewed by the highest conception of right and according to the laws which regulate the present civilized world.

My government deeply deplores the rejection of the Billinghurst-Latorre protocol, which has nullified the labors of nine long years in favor of a friendly settlement. In obedience, meanwhile, to the dictates of its plain and honorable policy, it is constrained, on this occasion, to formulate through me, the declarations contained in the present note, a summary of which may be expressed as follows:

Peru, during nine years, since 1892, until the present time, has engaged in every effort to arrive at an equitable and friendly settlement, efforts which have been absolutely of no avail, owing to Chile's refusal to entertain them.

Since March 28, 1894, Chile occupies in fact, with no adequate title thereto, the territories of Tacna and Arica, which is the reason why my government has refused to admit the lawfulness of that occupation.

Even assuming that the above-mentioned occupation could be justified, Chile would still always be illegally and indefinitely withholding a portion of the province of Tarata, which was never ceded to her, either in perpetuity or temporarily, and against which occupation Peru has vainly protested for the last seventeen years, and still protests hereby against it.

The measures taken in Tacna and Arica for the purpose of securing the expression of their natural aspirations in favor of Chile, are considered by my government to be in direct conflict with the Treaty of Ancon, which is the reason why it has already requested and once again requests, their repeal.

Whatever may be the procedure which the Chilean Government elects to adopt in the future, with respect to Article 3 of the Treaty in question, Peru declines to be associated with the carrying out of the plebiscite under conditions which necessarily imply a violation of this covenant.

Peru, finally, reserves to herself the right to refuse to enter into

further negotiations in respect to the plebiscite, until the legal situation existing on March 28, 1894, is reestablished in Tacna and Arica, by the repeal of the measures adopted in respect to these provinces.

I entertain the hope that, when considering dispassionately and in a spirit of justice the reasons contained in this and other notes from the same source, the Chilean Government will, with the assistance of Your Excellency's undoubted knowledge, defer to the legitimate claims of Peru in order to assure a prompt and appropriate settlement of the matter.

In any event, my government, in the protection of its legitimate rights, protests in advance that it will not accept, in respect to the plebiscite, the consequences of acts which are in conflict with the existing treaty between the two nations.

I have the honor to reiterate to Your Excellency the assurances of my highest and distinguished consideration.

CESAREO CHACALTANA.

To His Excellency, Sr. EMILIO BELLO CODECIDO,
Minister of Foreign Affairs of Chile.

No. 85

Nota del Ministro Chacaltana al Ministro de Relaciones Exteriores de Chile, enero 19 de 1901, sobre el rechazo del protocolo por la Cámara de Diputados de Chile. (Citada circular de 1901, pág. 476.)

Núm. 5.]

LEGACIÓN DEL PERÚ EN CHILE,
Santiago, 19 de enero de 1901.

Señor MINISTRO: La honorable cámara de diputados, en sesión del día 14, ha adoptado sobre el protocolo Billingham-Latorre, ajustado hace cerca de tres años, un acuerdo concebido en los siguientes términos:

“Teniendo presente las diversas observaciones formuladas en el debate y en especial la conveniencia de que sean resueltas directamente por los gobiernos de Chile y del Perú, los puntos que el protocolo de 16 de abril de 1898 entrega á la resolución de un árbitro, la cámara acuerda que se envíen los antecedentes al ejecutivo á fin de que inicie nuevas gestiones diplomáticas para dar cumplimiento á la cláusula 3ª del tratado de Ancón.”

Este acuerdo implica el rechazo del indicado pacto en su parte sustancial, constituida por el arbitraje en él estipulado. Reviste,

á la vez, la forma de un procedimiento dilatorio, destinado á eludir, por algún tiempo más, la realización del plebiscito.

Si los gobiernos del Perú y de Chile apelaron al último y supremo recurso del arbitraje, para resolver sus diferencias en este orden, fué por la imposibilidad de llegar directamente á un avenimiento y por el fracaso de las combinaciones ideadas para producirlo. ¿Cómo puede suponerse, entonces, que con la eliminación del arbitraje, sea tarea fácil para los referidos gobiernos, resolver directamente la dificultad, haciendo revivir las soluciones antes desechadas?

Concertado el protocolo con el objeto de dar cumplimiento al artículo tercero del tratado de paz de 1883, su desaprobación, así como el nuevo aplazamiento de todo arreglo, entrañan considerables perjuicios al Perú en sus trascendentales intereses políticos, lo mantienen sometido de hecho al imperio de la más enojosa situación, y tienden á privarlo de sus justas y bien fundadas expectativas sobre las provincias de Tacna y Arica.

Frustrados hasta hoy los legítimos anhelos de mi patria, la cual persigue incansablemente, desde 1892, la realización del plebiscito, debo dejar constancia en esta oportunidad, de los esfuerzos desplegados por mi gobierno, así como de la ineficacia de sus reiteradas tentativas, para llegar con el de V.E., á un acuerdo digno, amistoso y perdurable. El Perú necesita y desea salvar ante sí mismo y ante las naciones que contemplan apenas nuestras tristes é interminables disidencias, todo género de responsabilidades. Le basta para ello recordar los antecedentes más importantes relativos á la ocupación de los territorios de Tacna y Arica, y á la, hasta hoy, frustrada votación plebiscitaria.

El plazo legal de la ocupación expiró en marzo de 1894. El Perú lo hizo constar oportunamente así, tanto por intermedio de su ministro de relaciones exteriores, Sr. Jiménez, en las conferencias de éste con el representante de Chile, Sr. Vial Solar, como por conducto de su plenipotenciario en Santiago, Sr. Ribeyro. En la nota dirigida por éste último á la cancillería chilena, el 27 de marzo de 1894, se hizo constar, que el gobierno del Perú mantenía la interpretación del artículo tercero del tratado paz, en el sentido de que la ocupación no correspondía á Chile después del 28 de marzo de 1894.

El gobierno de V. E., para justificar la ocupación después de la fecha mencionada, procuró dar al tratado un sentido diverso; pero sus explicaciones se desvirtuaron con el muy significativo hecho siguiente. El señor Sánchez Fontecilla, ministro de

relaciones exteriores de Chile, en el curso de una conferencia con el señor Ribeyro, el 28 de septiembre de 1894, afirmó que el plenipotenciario de Chile en Lima, don Máximo R. Lira, había llevado instrucciones para solicitar del Perú una prórroga del plazo de ocupación. En otra conferencia, habida el 19 de octubre de igual año, entre los mismos funcionarios, el señor Sánchez Fontecilla insistió en el anterior propósito de su gobierno y propuso la prórroga de la ocupación chilena hasta marzo de 1898. El Perú, por su parte, nunca aceptó ni estuvo dispuesto á aceptar la mencionada prórroga.

Tal pedido reveló, en todo caso, el convencimiento del gobierno de V. E., de que para legitimar la posesión de Tacna y Arica, después del 28 de marzo de 1894, le era indispensable el consentimiento expreso y libre del Perú. Ni podía ser de otro modo, dados los términos y el sentido claro, no sujeto á interpretaciones rebuscadas, del artículo tercero del tratado antes citado.

La legalidad de la ocupación terminó, pues, el 28 de marzo de 1894. La prórroga, de hecho, por un plazo de siete años, trascurridos hasta hoy, no ha sido consentida por el Perú, a pesar de haberse solicitado su aquiescencia; ha sido impuesta por el ocupante, como continúa siéndolo aún. Mientras la suerte del protocolo estuvo pendiente de los acuerdos del gobierno de V. E., el Perú dió tregua á sus reclamos, á fin de no perturbar una situación de la cual podía derivarse un acuerdo equitativo; pero disipadas las esperanzas de un pronto y justo arreglo, quedan en pie y recobran todo su vigor. Es deber del Perú, hacer constar que Chile ocupa indebidamente los territorios mencionados desde el 28 de marzo de 1894.

Penetrado mi gobierno, desde un principio, de la magnitud de sus deberes en el orden internacional, é interesado en poner término á tan anómala ocupación, no ha omitido esfuerzo, no ha economizado oportunidades, no ha desdeñado sacrificios, para facilitar un amistoso acuerdo. Aun cuando es conocida la historia de las negociaciones por él iniciadas, consignada en otro documento procedente de su cancillería, es indispensable dejar constancia de ella en esta nueva oportunidad.

El artículo tercero, del tratado de paz, autorizó á Chile para ocupar, por sólo diez años, las provincias de Tacna y Arica, al fin de los cuales un plebiscito debía decidir de la suerte futura de ellas. El protocolo destinado á prefiar la forma y condiciones del plebiscito debe ser, además, según el mismo convenio, el resultado de un acuerdo entre los gobiernos del Perú y Chile.

Para el fiel cumplimiento de estas disposiciones, y, en especial, para evitar después de los diez años todo pretexto á una ocupación irregular é ilegítima, el protocolo, ó cualquier otro arreglo en su defecto, debieron quedar concluídos antes del 28 de marzo de 1894. Y si esto no hubiese sido posible, por efecto de motivos superiores á la voluntad de los contratantes, era deber de éstos proseguir, desde esa fecha, las negociaciones, hasta concluir las en un breve plazo, con actividad y sin inexplicables intermitencias.

* * * * *

El Perú, como se ve, ha intentado todas las combinaciones posibles; ha estado dispuesto á todos los sacrificios; ha puesto en juego todos los medios honrosos para llegar á un acuerdo equitativo. Después de agotados sus esfuerzos é iniciativas, aceptó, como todas las naciones amantes de la paz que se encuentran en su caso, el recurso civilizador del arbitraje, el cual no le da ventaja alguna sobre Chile, á no ser la que pueda derivarse de la evidente justicia de sus pretensiones.

* * * * *

Debo recordar, con motivo de la desaprobación del protocolo, que la única solución concreta y clara formulada á nombre de Chile, en el curso de las negociaciones, mientras se declaraba inaceptables las iniciativas de mi gobierno, consistió en proponer al Perú la renuncia de sus expectativas y derechos, en cambio de una indemnización de diez ó más millones de soles: así se hizo en 1890, en 1895 y en 1898. Pero en los tres casos declaró el Perú su inquebrantable voluntad de no desprenderse de las provincias de Tacna y Arica por suma alguna de dinero; y más bien estuvo dispuesto á pagar igual indemnización, para conservarlas definitivamente en su poder. La actitud del gobierno de V. E., en orden al plebiscito, ha tenido, pues, un carácter acentuadamente negativo y de mera resistencia á las soluciones propuestas por el Perú. Merced á esto, se ha prolongado por siete años y se sigue prolongando indefinidamente la ocupación ilegal de dichas provincias.

* * * * *

En los diez años de ocupación legítima, Chile pudo hacer esfuerzos á fin de propiciarse, con el empleo de medidas legales, la opinión de aquellos pueblos, para los efectos del plebiscito. Pero hoy, á los siete años de haber expirado el mencionado decenio, cuando sus derechos de ocupante se han extinguido, toda medida tendente á subvertir esa opinión y muy en especial las infractorias del tratado de paz, no se pueden estimar por mi gobierno sino como graves síntomas de propósitos anexionistas, más ó menos francos, más ó menos encubiertos.

La coerción, y no el convencimiento, es el gran resorte que se pone en juego por las autoridades de las provincias enunciadas para obtener, de una manera infalible, ó más bien dicho para imponer, á favor de Chile, el dominio y la soberanía definitiva de ellas.

El rechazo del protocolo y de las soluciones propuestas con anterioridad á él, el no cumplimiento en siete años del artículo 3.º del tratado de paz y la adopción simultánea de medidas de rigor, equivalen á preparar, con actos de fuerza, al amparo de una posesión de hecho, una solución revestida, quizás, con las formas externas de plebiscito; pero destinada á frustrar las expectativas y derechos del Perú.

Mi gobierno ha estado y está dispuesto á concurrir á la celebración del plebiscito siempre que se efectúe en breve término, con arreglo al tratado de paz, dentro de una situación legal y con garantías eficaces en favor de la libre acción de los votantes. Pero está decidido, como lo estaría cualquier otro, á no aceptar ni autorizar un plebiscito infractorio de dicho pacto, en condiciones no convenidas por ambas partes sino impuestas por una de ellas, y realizado al abrigo de un orden de cosas estatuido con el empleo de la ilegalidad.

Las provincias de Tacna y Arica debieron decidir de su suerte en 1894, al expirar los derechos de Chile en su calidad de poseedor, y cuando el régimen legal no se había trastornado en ellas. El gobierno de V. E. no ha tenido facultad para alterar violenta y sustancialmente la situación de entonces, con el objeto de buscar en otra distinta, producida al cabo de muchos años, las probabilidades de triunfo que la primera no le ofrecía. Tan infundado sería sostener que Chile ha podido aplazar el plebiscito por siete ó diez años, después de 1894, á fin de crear una situación propicia á sus intereses, como el afirmar que podría hacer lo mismo y con igual objeto, por cien años ó por un tiempo indefinido. De esto último á sustentar en plena paz el derecho de conquista, apenas habría un solo paso. Para que el plebiscito satisfaga las exigencias de la justicia y las del pacto de donde se deriva, es indispensable, por lo tanto, retrotraer las cosas, en cuanto sea posible, al estado en que se hallaban en 1894; es preciso, con este objeto, derogar principalmente las medidas puntualizadas en mi nota de 14 de noviembre, á fin de restablecer la legalidad de aquella época.

La condescendencia del Perú para allanarse á todo arreglo no puede ser ilimitada; su concurrencia al plebiscito no puede tener un carácter meramente nominal; su papel para este caso no puede

ser el de simple espectador. Como entidad autonómica, celosa de su dignidad y sus derechos, á la vez que respetuosa de la dignidad y derechos de Chile, sólo ha pretendido el estricto cumplimiento del tratado de paz, por medio de arreglos amistosos propuestos por él, ó en virtud de un arbitraje cuando la celebración de aquellos resultó imposible.

No se está negociando, como han supuesto infundadamente algunos, entre vencedor y vencido; los derechos de Chile como vencedor caducaron hace 17 años, al ratificarse el tratado de paz celebrado entre las dos naciones. Desde entonces, sólo existen dos estados enteramente libres, de desigual fuerza material es cierto, pero de igual poder soberano ante las altísimas concepciones del derecho y ante las leyes reguladoras de la civilización actual.

Mi gobierno deplora vivamente la desaprobación del protocolo Billinghamst-Latorre, con la cual se han esterilizado sus esfuerzos de nueve años en favor de una solución amistosa. Obedeciendo, á la vez, á las inspiraciones de su política honrada y franca, se ve obligado á formular por mi conductor, con este motivo, las declaraciones contenidas en la presente nota, cuyo resumen puede presentarse en esta forma:

El Perú ha hecho en nueve años, desde 1892 hasta el presente, toda clase de esfuerzos para llegar á una solución equitativa y amistosa, los cuales han resultado infructuosos por la negativa de Chile á aceptarlos.

Desde el 28 de marzo de 1894, Chile ocupa de hecho, sin título suficiente, los territorios de Tacna y Arica, motivo por el cual mi gobierno ha desconocido la legalidad de esa ocupación.

Aun en el supuesto de que la ocupación mencionada pudiera justificarse, siempre resultaría Chile reteniendo indebida é indefinidamente una parte de la provincia de Tarata, que no le fué cedida ni perpetua ni temporalmente, de lo cual ha reclamado el Perú desde hace diecisiete años, y reclama nuevamente ahora.

Las medidas tomadas respecto de Tacna y Arica, con el objeto de desviar en favor de Chile la corriente de sus aspiraciones, las considera mi gobierno contrarias al tratado de Ancón, por cuyo motivo ha pedido y solicita nuevamente su derogación.

Cualquiera que sea, en lo sucesivo, el procedimiento del gobierno de Chile, con respecto á la cláusula tercera de dicho tratado, el Perú no está dispuesto á ir al plebiscito en condiciones que impliquen la infracción del mismo.

El Perú se reserva, en fin, el derecho de rehusar nuevas negocia-

ciones sobre el plebiscito, mientras no se restablezca en Tacna y Arica, con la derogatoria de las medidas tomadas respecto de ellas, la situación legal existente el 28 de marzo de 1894.

Abrigo la esperanza de que, al meditar con calma y con propósitos de justicia las alegaciones contenidas en esta nota y en otras de la misma procedencia, el gobierno de Chile, con el concurso de la notoria ilustración de V. E., deferirá á los fundados reclamos del Perú, á fin de facilitar un arreglo pronto y conveniente.

De todos modos, mi gobierno, en resguardo de sus legítimos derechos, protesta desde ahora, no aceptar, en orden al plebiscito, las consecuencias de actos contrarios al tratado vigente entre las dos naciones.

Tengo el honor de reiterar á V. E. los sentimientos de mi más alta y distinguida consideración.

CESÁREO CHACALTANA.

Al Excmo. señor don EMILIO BELLO CODECIDO,
Ministro de Relaciones Exteriores de Chile.

Report of the Ministry of Foreign Affairs of Chile, 1901, giving an account of the rejection of the Protocol, and approving the idea of negotiating a new agreement, and revealing the intention of retaining the territory in any case. (Page 15.)

Another year has gone by and no solution has yet been found in respect to the questions at issue between these two countries (Peru and Chile).

Circumstances beyond the control of this Department and with which Congress is familiar, have once more brought about the failure of the efforts to reach a final settlement, persistently sought by this government, while from its efforts in this direction no other beneficial results have been obtained than the exteriorizing, once again, of our sincere desire to secure, with the least possible delay, definite and mutually satisfactory arrangements, with countries with which there are special reasons why we should live in upright and sincere friendship.

Notwithstanding the efforts made by this government, to obtain from Congress the approval of the protocol concluded on April 16, 1898, the purpose of which was to determine the bases upon which the plebiscite, stipulated in the Treaty of Ancon, was to be held to decide the final possession of the territories of Tacna and Arica, it was evident that public opinion would not accept some of the conditions; and it became necessary, for the time being, to suspend the discussion of the matter, by Congress, so as to prevent its absolute rejection.

Between the time which has elapsed since then and the Vicuña mission, public opinion in Chile, far from inclining towards an acceptance of that protocol, has become more and more determined that other conditions be adopted which, while taking into consideration those principles of strict impartiality and reciprocal advantages which must always govern international covenants, should likewise include the undoubted interests and lawful expectations of our country.

It was recognized that if Peru had a legitimate right to aspire to the final possession of Tacna and Arica, Chile likewise had an equal right thereto, since this was stipulated in the treaties, and because of almost twenty years of possession of, and authority in,

those territories, national life had been granted to them, incorporating them with the body politic and the spirit of the nation.

It had not been the intention to take advantage of the favorable position which, in such cases, is usually the possessor's; it was not the purpose to overlook the undoubted rights of Peru, and still less, to fail in the honest fulfillment of the stipulations of the Peace Treaty; but the government was urged, with all the impressiveness of popular opinion, that it should, legally and properly, make every effort so that the expectations furnished to Chile by the Treaty, should eventually become tangible and definite.

It was the purpose of the mission entrusted to Sr. Angel Custodio Vicuña, to fulfill these natural desires of the people's will, and his instructions were to seek, in agreement with the Peruvian Government, some means other than those stipulated in the Billinghurst-Latorre protocol, so as to finally settle all the issues derived from the War of the Pacific.

* * * * *

Nº 86

Memoria de Relaciones Exteriores de Chile de 1901, dando cuenta del rechazo del protocolo y apoyando la idea de gestionar nuevos arreglos, revelando el propósito de conservar a todo trance el territorio. (Pág. 15.)

Un año más ha transcurrido sin que se hayan solucionado las cuestiones pendientes con estos países. (Perú i Chile).

Circunstancias del todo ajenas a la voluntad de esta Cancillería i perfectamente conocidas por el Soberano Congreso, han hecho fracasar una vez mas los proyectos de arreglo definitivo empeñosamente buscado por este Gobierno, i de sus esfuerzos en este sentido no ha quedado otro resultado benéfico que el de haber hecho públicos, una vez mas, nuestros sinceros deseos de llegar cuanto ántes a soluciones definitivas i mutuamente satisfactorias, con países con los cuales hai motivos especiales para vivir en franca i sincera amistad.

No obstante el empeño gastado por el Gobierno para obtener del Soberano Congreso la aprobacion del Protocolo celebrado en 16 de abril de 1898, cuyo objeto era fijar las bases sobre las cuales debia verificarse el plebiscito estipulado por el Tratado de Ancon, para decidir acerca del dominio definitivo de los territorios de Tacna i Arica, vióse claramente que la opinion pública no aceptaba

algunas de esas bases i hubo de suspenderse, por entónces, la discusion en el Congreso para evitar un rechazo inmediato.

En el tiempo trascurrido entre aquella época i la mision Vicuña, la opinion pública en Chile léjos de inclinarse a la aceptacion de aquel Protocolo, fué pronunciándose mas i mas en el sentido de buscar otros arreglos que, consultando los principios de elevada justicia i recíproca conveniencia que deben presidir en los pactos internacionales, consulten tambien los claros intereses i las lejíti-mas espectativas de nuestro pais.

Creíase que si al Perú asistia perfecto derecho para aspirar al dominio definitivo de Tacna i Arica, no era menor el derecho de Chile, ya que él estaba consultado en los tratados i ya que en cerca de veinte años de posesion i gobierno de esos territorios la vida nacional se habia estendido hácia ellos incorporándolos al cuerpo i al alma de la Nacion.

No se queria abusar de las ventajas que en tales casos tiene siempre el poseedor, no se queria desconocer el derecho lejítimo del Perú ni mucho ménos dejar de cumplir honradamente con lo estipulado en el Tratado de Paz; pero se exijia al Gobierno con toda la fuerza de la voluntad nacional que hiciese, dentro de lo lejítimo i correcto, todo lo posible porque las espectativas otorgadas a Chile por aquel Tratado se convirtiesen luego en un hecho real i definitivo.

Corresponder a estas naturales aspiraciones de la voluntad nacional fué el objeto de la mision confiada al señor don Anjel Custodio Vicuña i sus instrucciones eran buscar de acuerdo con el Gobierno del Perú otras soluciones que las estipuladas en el Protocolo Billinghamst-Latorre, para zanjar definitivamente todas las cuestiones derivadas de la guerra del Pacífico.

* * * * *

Final part of the Peruvian Circular of May, 1901, in which the decision to submit the question of Tacna and Arica to arbitration is announced. (Page XXVII.)

* * * * *

Sr. Bello Codecido did not scruple to thus describe a situation of exceptional gravity in which the rejection of arbitration, the enforcement in Tacna and Arica of the measures to which I have referred above, and the failure of Perú's effort to induce Chile to agree that this condition of affairs must cease according to that which constitutes a law for both countries: all combined to infringe the stipulations of Article 3 of the Peace Treaty, as well as the basic principles of public law.

This arbitrary situation was met by my government in March by the recall of its Legation, which was accredited to Santiago.

Such are the facts.

My government submits them to the impartial judgment of Your Excellency and declares:

First: that Peru solely aspires to the fulfillment of Article 3 of the Peace Treaty.

Second: that she understands her right to consist, according to that article, in demanding—

(a) that the delivery of the territory belonging to the province of Tarata be effected.

(b) that the authority of Chile in the provinces of Tacna and Arica, shall end.

(c) that the plebiscite be carried out under the authority of a friendly Power.

(d) that Peruvian denizens alone of these provinces and domiciled therein, shall vote.

(e) that the result of a plebiscite be one; that is to say, it should decide upon the future nationality of all the territory subjected by the article in question to the temporary occupation of Chile; and

(f) that notwithstanding the fact that Peru is prepared to pay the indemnity immediately following the plebiscite, that the time limits referred to in the same article should be determined.

Third, that, despite the undoubted right of Peru, the latter has always been ready to submit the whole question, relative to the plebiscite, to arbitration.

Fourth, that Peru considers that the strained circumstances of this matter endanger the future political interests of the continent, and

Fifth, that Peru assumes no responsibility whatsoever in respect to either the origin or the continuance of this situation.

I avail myself, Mr. Minister, of this opportunity to reiterate to Your Excellency the assurances of my most distinguished consideration and remain,

Your Excellency's most obedient servant,

FELIPE DE OSMA.

To His Excellency the MINISTER FOR
FOREIGN RELATIONS OF

Nº 87

Conclusión de la circular peruana de mayo de 1901, en que se enuncia la voluntad de someter a arbitraje la cuestión Tacna y Arica. (Citada circular de 1901, pág. XXVII.)

* * * * *

El señor Bello Codecido no tuvo inconveniente en definir así situación excepcionalmente grave, en que el rechazamiento del arbitraje, la ejecución en Tacna y Arica de las medidas á que antes me he referido y la ineficacia de la acción del Perú para conseguir que Chile convenga en que este asunto concluya según la que es ley de los dos estados, concurren á violar la cláusula tercera del tratado de paz y los principios fundamentales del derecho público.

A esta situación de fuerza respondió, en marzo, mi gobierno, retirando la legación que tenía acreditada en Santiago.

Estos son los hechos.

Mi gobierno los somete al juicio imparcial del de vuestra excelencia y declara:

Primero. Que el Perú quiere únicamente el cumplimiento de la cláusula tercera del tratado de paz.

Segundo. Que entiende que su derecho consiste, conforme á esa cláusula, en exigir:

a) que se realice la entrega del territorio correspondiente á la provincia de Tarata;

b) que cese la autoridad de Chile en las provincias de Tacna y Arica;

c) que se efectúe el plebiscito bajo autoridad de potencia amiga;

d) que voten en el plebiscito sólo los peruanos naturales de esas provincias, que tengan allí su domicilio;

e) que el resultado del plebiscito debe ser único, esto es, que debe decidir sobre la nacionalidad futura de todo el territorio que la indicada cláusula sometió á la ocupación temporal de Chile; y

f) que no obstante el hecho de hallarse preparado á pagar la indemnización inmediatamente después del plebiscito, se establezca los plazos á que la misma cláusula se refiere.

Tercero. Que, á pesar de la firmeza del derecho del Perú, ha estado siempre dispuesto á someter á arbitraje toda la cuestión del plebiscito.

Cuarto. Que considera que la actualidad del asunto compromete el futuro de los intereses políticos del Continente. Y

Quinto. Que no tiene responsabilidad alguna en el origen ni en la subsistencia de esta situación.

Aprovecho, señor ministro, la oportunidad para ofrecer á vuestra excelencia las seguridades de mi consideración más distinguida, con que soy de vuestra excelencia atento servidor,

FELIPE DE OSMA.

Al excelentísimo señor MINISTRO DE
RELACIONES EXTERIORES DE

No. 88

Various proposals made by the Minister of Foreign Affairs of Chile, Puga Borne, to the Peruvian Minister Seoane, March 25, 1908, among them, but not principally, that relative to Tacna and Arica. (Bulletin of the Ministry of Foreign Affairs of Peru, vol. XXVII, pp. 275, 276.)

Page 275.]

1. A commercial agreement which granted free customs entry to certain and specific products from either country which were necessary to each other.

2. The celebration of an agreement for the development of the merchant marine and for the establishment of a line of steamers, at the expense of or subsidized by, both Governments for the purpose of increasing their coastwise trade.

3. Association of both countries so as to obtain, by means of their mutual resources and credit, the construction of a railway which would connect the capitals of Santiago and Lima.

4. The drawing up of the protocol which should determine the form which the plebiscite was to take to definitely decide the future nationality of Tacna and Arica.

5. An agreement respecting the raising of the amount of the indemnity, which the country, to which the definite sovereignty of these territories would be given, would have to pay to the other.

* * * * *

Page 276.]

This complete proposition, owing to its composite nature, consisting of different matters which compensate one another, must naturally be considered as a whole, one and indivisible.

Nº 88

Propuestas del Ministro de Relaciones Exteriores de Chile, Puga Borne, al Ministro peruano en Santiago, Seoane, marzo 25 de 1908, haciendo una propuesta sobre diversos puntos, incluyendo en ellos, pero nó en primer lugar, el relativo a Tacna y Arica. (Boletín del Ministerio de Relaciones Exteriores del Perú, tomo XXVII, págs. 275, 276.)

Pág. 275.]

1. Ajuste de una convencion comercial que conceda liberacion o

franquicias aduaneras a ciertos y determinados productos de cada uno de los dos países, que son de consumo en el otro.

2. Celebración de un convenio para el fomento de la marina mercante y para el establecimiento de una línea de navegación a vapor costeada o subvencionada por los dos gobiernos con el objeto de desarrollar el comercio de sus costas.

3. Asociación de los dos países para realizar con sus recursos y crédito la obra de unir por ferrocarril las capitales de Santiago y Lima.

4. Ajuste del protocolo que ha de establecer la forma del plebiscito estipulado para la determinación de la nacionalidad definitiva de Tacna y Arica.

5. Convenio para elevar el monto de la indemnización que debe dar al otro país aquel que adquiriera la soberanía definitiva de ese territorio.

* * * * *

Pág. 276.]

Esta negociación de conjunto, por constar de elementos diversos que se completan y se compensan unos con otros, deberá naturalmente ser considerada como un todo único é indivisible.

No. 89

Minister Seoane's reply, May 8, 1908, refuting the Chilean interpretations respecting the conditions for the plebiscite. (Bulletin of the Ministry of Foreign Affairs of Peru, vol. XXVII, p. 281.)

PERUVIAN LEGATION,
Santiago, May 8, 1908.

SIR:

* * * * *

The latter (the protocol relating to the plebiscite) being entirely of a political character, has no relation whatever with commerce, with the merchant marine, with shipping lines, railroads, or even with the indemnity.

These matters in themselves, unconnected with and independent of, the Treaty of Ancon, can be negotiated separately, and will receive the special attention of my government, once the protocol relating to the plebiscite shall have been carried into effect; that is, when the problem of Tacna and Arica is eliminated from the relations between Peru and Chile, a problem whose continuance, because it refers to the execution of a solemn treaty, does not permit of the negotiation of other treaties.

Following the same line of argument, the Chilean plenipotentiary, Sr. Vial Solar, in 1893, upon receiving almost similar proposals to those now made by Your Excellency, replied: "The very importance and nature of this matter, counsel, *according to the opinion of my government*, that it should not be dealt with outside its natural field, nor complicated with a matter of a different character, such as that relating to the definite nationality of the departments of Tacna and Arica. My government will, consequently, always be happy to accept any suggestions which Your Excellency may be pleased to make for the purpose of undertaking negotiations looking toward the establishment of a system of reciprocal commercial advantages and facilities, and will, on its part, avail itself of every favorable opportunity to initiate such negotiations with the enlightened government of Peru; *but, at the same time, it believes that there is no reason for dealing with this subject together with questions relating to the definite possession of the departments of Tacna and Arica.*"

* * * * *

It is in view of the foregoing considerations, Mr. Minister, that

upon learning of Your Excellency's plan, taken as a whole, I declared during our first interview, as you are kind enough to recall, that for my government, the question relative to the plebiscite is of such moment that, in comparison therewith, all other questions are only of secondary importance; and I added, that before asking for instructions, in respect to the enclosed agreements, I considered it imperative that we should come to an understanding, as to the principal one of these, namely, that which refers to the conditions which are to guarantee the unhampered vote and the correctness of the returns.

As Your Excellency confirms in writing, your verbal proposals, I must give you the same answer, notwithstanding my earnest desire to accommodate you; I therefore would request Your Excellency to agree to the postponement, until these conditions are settled, of the other proposals comprehended therein, the consideration of which, for the time being, I shall defer.

With respect to this, I hope Your Excellency will allow me to submit a fundamental reason. The negotiations with which my government has entrusted me looked to the fulfillment—not the modification—of Article III of the Treaty of Ancon of October 20, 1883. In this understanding I have solicited the negotiation of the protocol, which, according to this article, shall establish the conditions of the plebiscite and the terms and installments for the payment of the ten million by the country this plebiscite shall favor. To endeavor to increase the amount of the indemnity determined by the treaty, is to modify it, wrecking the unity and correlation existing between all its clauses and rendering still harder for Peru the fulfillment of the only stipulation yet to be carried out, while Chile has profited by all the other advantages. As I have had the honor of stating to Your Excellency, my government would only abandon the stipulations of the Treaty of Ancon, so as to insure the immediate and definite reincorporation with the national territory of the Peruvian provinces of Tacna and Arica.

Peru is confident that the plebiscite, if carried out in accordance with the precepts of its juridical institution, will be in her favor; and I believe, if Your Excellency will pardon my frankness, that in Chile also there exists, with regard to this result, a conviction already disclosed by some of her prominent statesmen, when they confess the uselessness, during almost a quarter of a century, of the laborious task of "Chilenization." If the contrary had been the case, so many of Your Excellency's predecessors would not have regularly postponed the proceedings by offering sugges-

tions impossible of acceptance; neither would Your Excellency have spontaneously proposed to increase the indemnity. For the nation that has faith in its victory, a pecuniary imposition, superior to that already stipulated, is unsatisfactory.

This large amount would be considered in Peru as a further sacrifice, imposed today by a war which terminated twenty-five years ago; or as an inducement to its Representatives in the plebiscitary protocol to agree to concessions equivalent to a forfeiture of their rights, that is to say, to a covert sale of Tacna and Arica, contrary to the wishes of its inhabitants, without whose intervention any dismemberment of the national territory is illicit and in opposition to the unanimous aspirations of public sentiment in Peru.

As these possible suppositions are doubtless erroneous, and as my government cannot see any reason for modifying the treaty, which called forth these negotiations, I must declare in its name that the proposal in question cannot be accepted.

* * * * *

Your Excellency assumes that, according to modern precedents, plebiscites, as mentioned in the history of international law, are really transfers in disguise. This contention, verbally sustained by Your Excellency, is somewhat unprecedented and has never been put forward in the many conferences originated by Clause III of the Treaty of Ancon.

In the legislation of the past, the essential and characteristic principle of the plebiscite, was the popular will, as an expression of sovereignty.

In deference to the principles of liberty, the French Revolution of 1789, condemned conquest imposed by force of arms and re-established that democratic practice (plebiscites) as the only basis upon which changes in the existence of States could be justified.

Thus lifted onto an international plane, plebiscites, whether in favor of France—such as the one held in Avignon in 1791—or in favor of the Italian unity since 1848, and all subsequent ones, invariably invoke the appeal to the people as a fundamental and legal title.

In practice, on not a few occasions, it has been a mockery, while the voting did not escape the effects of brutal coercion and fraudulent manipulation, hence the repeated victory of the acquiring state.

However, compulsion is not a legal factor, but rather grounds for an annulment.

Historical precedents, where compulsion has been employed, proved that for the purpose of securing apparent success, by prior concertation, abuses were committed, as sometimes take place in local elections. But precisely as no one would instance local elections to justify the well-known abuses of internal politics, so neither does it follow from the precedents in question that in the domain of public law, free plebiscites have become a dead letter and are no longer anything but the disguised and diametrically opposite principle of conquest, which, as a consequence, is that which is triumphant in all cases where popular will has been made the condition for a transfer.

In Article II of the said Treaty of Ancon, Peru surrenders to Chile, in perpetuity and unconditionally, the territory of Tarapaca.

As to Tacna and Arica, Article III stipulates that upon the conclusion of the ten-year period of Chilean administration, a plebiscite shall decide, through a popular vote, whether the territory of these provinces shall finally remain under the control and sovereignty of Chile or whether it shall continue to be a part of Peruvian territory.

Had the negotiators of Ancon imposed a similar fate upon the people of Tacna, Arica and Tarapaca, they would not have decided upon a popular vote in respect to the former and omitted it in respect to the latter.

Besides, it was not in assumed deference to the principles of liberty proclaimed by the French Revolution, but giving to the words used their only clear meaning, that Chile covenanted the plebiscite of Tacna and Arica, pledging her national honor thereon.

From the time of the restoration of that institution, by the National Assembly (of France), the more or less exact expression of the popular will in favor of annexation, has been manifested, in the majority of cases, accompanied by the absolute non-interference of the repudiated sovereign, at the instigation of insurrectionary governments, or of the belligerent in occupation.

Such cases, however, cannot be considered as precedents applicable to the bilateral Treaty of Ancon.

The surrendering nation has never stipulated for a plebiscite except in four cases:

In the Treaty of Turin, of March, 1860, between Sardinia and France, in respect to Nice and Savoy;

In the Treaty of Prague, of August, 1866, between Prussia and Austria, concerning the populations of the northern districts of Schleswig;

In that same Treaty of Prague, completed at Vienna on the

following day, between France and Austria, and then in October of the same year between Austria and Italy, in reference to the Lombardo-Venetian kingdom;

And in the Treaty of Paris, of August, 1877, between Sweden and France, relative to the return of the Island of St. Bartholomew.

In the Treaty of Turin, before submitting it to the will of the people, the King of Sardinia declares that he "consents to the reunion of Savoy and of the District of Nice to France and *renounces, for himself and all his descendants and successors, in favor of His Majesty the Emperor of the French, all his rights and titles to those territories.*"

In the Treaty of Prague, the Emperor of Austria, also, *renounces "in favor of Prussia,"* his sovereignty over northern Schleswig: the plebiscite provided for in Article V, which was abrogated by the contracting Powers, in 1878, provides in effect for the eventual vote of the denizens in favor of neither the ceding nor the cessionary Power, but in favor of reincorporation with Denmark.

In the Treaty of Vienna, "conditional upon the consent of the inhabitants when duly consulted," established by Napoleon III—who had accepted the cession to transfer it to Italy, as provided for in the Treaty of Prague—the same Austrian Emperor who agreed to the cession "*consents to the reunion of the Lombardo-Venetian Kingdom with the Kingdom of Italy.*"

Finally, in the Treaty of Paris, likewise with a reservation in respect to the consent of the population, "the King of Sweden and Norway *returns to France* the Island of St. Bartholomew and *renounces, in consequence thereof, for himself and his descendants and successors, his rights and titles to this colony.*"

In the Treaty of Ancon, Peru has not, as have the sovereigns in the treaties quoted above, renounced her *territories* of Tacna and Arica.

On the contrary, she has very clearly manifested her earnest desire not to suffer any further mutilation, since she not only stipulates that "the manner in which the plebiscite shall take place" shall depend upon "a special protocol which shall be considered as an absolute part of the Treaty," but she binds herself, equally with the Chilean Government, to the payment of ten million "soles" in case the result of the vote should be favorable to her; that is to say, an obligation in proof of her expectations, which is to be found in none of the other four treaties previously mentioned.

The people of Nice and Savoy and St. Bartholomew, and also those of Venice, were more united to France and Italy, respectively, than to Sardinia, Sweden and Austria, by historic ties of a more or less sentimental nature. The people of Tacna and Arica are genuinely Peruvian; Chile never claimed or attempted to claim any right whatsoever over these provinces.

The plebiscite in Nice and Savoy took place in April, 1860, that of Venice in 1866; and that of St. Bartholomew in the last days of September and the first of October, 1877; that is to say, a few weeks after the Treaties of March, 1860, October, 1866, and August, 1877, which respectively provided for them. The plebiscite of Tacna and Arica was necessarily held up by the ten-year term; it was not held immediately upon the conclusion of the Treaty, as would inevitably have happened in 1883 if Chile had insisted on imposing this condition, and Peru would have been compelled to accept it, as a further consequence of the war—as the means of securing possession at any cost—of these territories.

There is, therefore, no comparison between the Treaty of Ancon and the European treaties erroneously quoted as precedents. Furthermore, the clause relative to a decision through the will of the people, was certainly not, so far as its negotiators were concerned, taken in the sense of a dead letter.

Previous negotiations amply confirm this assertion.

Such are those of October, 1880, on board the American corvette *Lackawanna* in which the Chilean plenipotentiaries put forward, among other demands of minor importance, the *cession* of the territories south of the Camarones Gap (quebrada), the payment of twenty million "pesos" by Peru and Bolivia jointly and: "the retention of Moquegua, Tacna and Arica until the obligation to which the foregoing conditions refer should have been fulfilled; Peru binding herself, in addition, not to fortify the port of Arica *when it shall be returned*, or at any other time." Such also are the negotiations which gave birth to the Balmaceda-Trescott protocol, signed February 11, 1882, at Viña del Mar, in which the Minister for Foreign Affairs indicated as peace conditions (rejected by the United States for the tendering of its good offices) this same *cession* of territories to the south of Camarones, the payment of twenty million pesos and *the occupation of Tacna and Arica for ten years*, or the most extensive period "which Peru could stipulate in the treaty," with the obligation that if, upon the expiration of the stipulated period, such sum

were not paid, "the cession of territory of Tacna and Arica would be accomplished *ipso facto*" and that, "*if Arica should return to the dominion of Peru, it would never be fortified.*" The same is true of the negotiations in which Mr. Logan took part, in which, according to the Memorandum of October 18, 1883, the Chilean Chancellor suggested the idea, rejected by President García Calderon, of undertaking a plebiscite, declaring that "he was ready to pay ten million "pesos" for the territory *if the plebiscite gave it to Chile,*" and expected to receive, in turn, ten million pesos "*if the plebiscite gave the territory to Peru,*" accepting that an arbitrator should determine whether or not Chile had the right to purchase the territory of Tacna and Arica or "*to occupy this territory militarily for the period of fifteen years, being obliged to evacuate it at the end of that period.*"

These negotiations prove that Peru, at all times, resisted a cession, under any form whatever, of the territory of Tacna and Arica, and that therefore upon accepting a decision by suffrage in the Treaty of 1883, she had in mind the legal plebiscite in accordance with the usual meaning of treaty-makers, but not the fraudulent misrepresentation of the popular will by which, at times, plebiscites have been arbitrarily profaned. For this reason both republics foresaw, as is apparent from the previous proposals, the possibility of their reincorporation with Peru.

This assertion is likewise confirmed, not only by the declarations made in 1884, to Sr. Larrabure by the Chilean negotiator of that treaty, Sr. Jovino Novoa, but, leaving out of consideration the spontaneous and unofficial statements of Sr. Luis Aldunate, it is also confirmed by the declarations made in 1883 (the year of the treaty) in the Report (Memoria) of the latter official, while Minister for Foreign Affairs.

It is precisely because no disguised cession was ever intended that on August 10, 1892, that is to say, previous to March 28, 1894—on which date the ten-year limit which had been agreed upon expired—Sr. Larrabure invited the Chilean plenipotentiary, Sr. Vial Solar, to settle the preliminaries of the protocol relating to the plebiscite; and the conferences, verbal at first, continued for an extended period of years, sometimes verbally, at others in writing, both at Lima with the Chilean representatives and at Santiago with the many statesmen who succeeded one another at La Moneda, during which time none ever implied that these proceedings were irrelevant.

On the contrary, foreseeing the probable victory of Peru in the plebiscite, Sr. Lira demanded guarantees for the payment

of the indemnity; the Government of Chile insisting on its proposal, invariably rejected, to increase the payment by her of a few millions over and above the ten stipulated, provided that, the Treaty being modified, a definite cession were agreed to.

In the first clause of the treaty between Chile and Bolivia, dated May 18, 1895, relating to the transfer of territories, Chile undertakes to transfer to Bolivia the provinces of Tacna and Arica: "*in case she should acquire them as a result of the plebiscite which is to take place in compliance with the Treaty of Ancon*"; and in the third clause "*she undertakes to use every effort to secure definite ownership of these territories; while in the fourth clause she commits herself to a subsidiary engagement in case: 'she should not obtain through the plebiscite or by direct negotiation, definite sovereignty of the zone in which the cities of Tacna and Arica are situated.'*"

It is obvious that if a covenant were in existence agreeing to such renunciation, Chile would not consider, as she does in the Treaty of 1895, and as she likewise does in the additional and explanatory protocols of December 9 of the same year, and April 30, 1896, the possibility of a vote favorable to Peru.

Due to these reasons the Minister for Foreign Affairs of Chile, ratifying former declarations, stated in his Report for 1894, that the Treaty of October 20 "had submitted to a subsequent function, sanctified by a solemn treaty, but of an absolutely uncertain result, the settlement relative to the ownership of those territories."

President Errazuriz in turn, in his Message for 1900, said that "in the Peace Treaty the final nationality of Tacna and Arica was left undecided." For identical reasons Sr. Errazuriz, again accepted the international agreement contained in the Billinghurst-Latorre protocol, which was passed by the Senate and which, after having been approved as a whole, was left in abeyance by the House of Representatives—not because that instrument invalidated any agreement but to allow the Executive Power to institute new diplomatic negotiations looking to the fulfillment of Clause Three of the Treaty, stipulating a plebiscite by popular vote.

Therefore the conclusions relating to a cession in disguise for a conquest of the provinces of Tacna and Arica—drawn, not from the letter or the spirit of that treaty, but from irrelevant European plebiscites—must be absolutely discarded.

* * * * *

What is the legal title of sovereignty alleged by Chile today in the provinces of Tacna and Arica?

It is not occupation, which alone grants the right with regard to *res nullius*.

Neither is it the bloody military invasion during the war which ceased through the Treaty of 1883, in obedience to which the army evacuated the invaded region, with two exceptions; Tarapacá and the above-mentioned provinces (Tacna and Arica).

The title invoked, therefore, depends exclusively on this treaty.

Its text stipulates, in Clause III, that the territory of these last named provinces: "shall continue to be possessed by Chile, subject to Chilean laws and authority during the term of ten years, reckoned from the date of the ratification of the present treaty of peace."

The exchange of ratifications was effected on the 28th of March, 1884.

The ten-year period, therefore, came to an end on the same date in 1894, and Peru then legally recovered its complete domain, which had been in part suspended.

Therefore, Sr. Jiménez, Minister for Foreign Affairs, in June, 1893, reminded the Chilean plenipotentiary, in Lima, of the opportunity afforded to return the provinces temporarily occupied. Upon encountering resistance, he proposed that the solution of the case be submitted to the decision of a friendly Power; and later on, on the eve of the expiry of the period, the Peruvian plenipotentiary in Santiago, Sr. Ribeyro, again declared that Chile was not entitled to occupy the provinces after the 28th of March, 1894.

This declaration is absolutely in agreement with the letter and spirit of the treaty.

The above-mentioned third clause of the treaty states, immediately following the sentence quoted above, "upon the conclusion of this term (that of the ten years), a plebiscite shall decide by popular vote." * * *

It is, therefore, upon the conclusion of the period, and not during the same, that the plebiscite was to be carried out.

It is natural, indeed, that no coercion in favor of their own cause should be exercised by the authorities, however impelled by an exaggerated patriotic zeal, against the people whose goodwill, during this ten-year period, they ought to have made efforts to secure, by making the government of the country in occupation more agreeable.

The expiration of the term implies that of the right conceded, for the lawfulness of which this term was stipulated.

This term having come to an end, the transitory sovereignty of Chile in the territories of Tacna and Arica, likewise ceased.

Possession, according to every recognized principle, for a period categorically defined, cannot be prolonged, nor does it become indefinite through the sole will of the party which enjoys possession, in spite of the protest of the other contracting party.

Doubtless, for this reason, Sr. Sanchez Fontecilla, another of Your Excellency's distinguished predecessors, proposed to Sr. Ribeyro, among other points, the following: "The term of ten years agreed to in Article III in the Treaty of Ancon, shall be extended to March 28, 1898."

As this extension was not agreed to, Your Excellency's government, therefore, should have handed over the Peruvian territories in obedience to the aphorism of universal law, according to which, "when the term of a precarious holding ends, the direct owner of the object recovers his domain absolutely."

* * * * *

Neither do the diplomatic precedents to which Your Excellency alludes show that plebiscites have been carried out under the exclusive management of the State which was favored by the voting.

The plebiscites of 1860 in favor of France were carried out, according to official documents, under the *presidency of the authorities appointed by the transferrer, the King of Sardinia.*

In the proclamation issued by that Monarch, to the populations of Savoy and Nice, he says, in effect: "so that nothing may hinder the free expression of your wishes, I recall those among the highest officials of the Administration who do not belong to your country and I temporarily substitute them by certain of your fellow-citizens who have won the esteem and the regard of the public." These new officials, each in his own district, issued the by-laws and regulations by which the municipal boards were entrusted with the task of forming the lists of citizens who were qualified to vote, of deciding claims, etc., etc.

The plebiscite of 1866, in favor of Italy, was carried out in *agreement with the rules drawn up by the annexing Sovereign*, but under the presidency of municipalities made up entirely of denizens.

The French Commissioner, General Leboeuf, did, in fact, receive Venice and handed it over to a Council of Notables, the president of which was Count Michiel. Victor Emmanuel thereupon regulated the procedure, ordering that the municipal representatives of the provinces liberated from Austrian occupa-

tion, should take "all proper steps so that the expression of the popular will be unconstrained and emphatic."

The plebiscite of 1877, in favor of France, was *carried out under the presidency of the transferrer, the King of Sweden*, who ordered the Governor of the Island of St. Bartholomew to "make suitable arrangements for the voting" and to issue the rules which were to be followed.

The agreement of all these precedents in one and the same particular is to be found in the *modus operandi*, which is always carried out before natives of the district affected by the plebiscite; so that if this precedent were followed, in the plebiscite of Tacna and Arica, the officials who would act would be drawn from the people of Tacna and Arica alone.

However, as respects the presidency, the examples differ.

When the renunciation made by the sovereign effecting the transfer was absolute and explicit for himself, his descendants and successors (an essential point, contrary to the stipulations mentioned in the Treaty of Ancon), it might have been thought that he would leave the annexor full liberty. Nevertheless, in two cases out of three, it is the transferrer who always assumes, according to these same official documents, the supreme management of the plebiscite.

I have had the honor of proving that the maintenance of Chilean authorities in the territories of Tacna and Arica subsequent to the 28th of March, 1894, is evidently illegal.

Rights cannot proceed from illegality.

Therefore, the right of sovereignty, which Chile never possessed, cannot be invoked to enable her to preside over the proceedings and still less to manage them uncontrolled; registering the voters, receiving the ballot in favor of or contrary to her aspirations, verifying the returns and proclaiming the result.

Your Excellency is good enough to inform me that "you have no objection" to Chilean authorities, "when the electoral boards are constituted, allowing Peruvian citizens and those of other nationalities to be represented thereon."

These latter citizens could only be the umpires appointed by mutual agreement by our respective governments, to preside over the electoral function.

My government, although it possesses sovereign rights over the provinces of Tacna and Arica, but prefers not to exercise them, so as not to assume the double character of judge and party, cannot accept, still less as a condescending act of grace, such a sub-

ordinate and even humiliating participation which, considering the friendly and conciliatory spirit that has distinguished our deliberations, I would have preferred Your Excellency had not suggested.

Although I do not doubt the sincerity of the promised impartiality which Your Excellency reiterates, I would remind you that the expectations respecting Tacna and Arica are just as vigorous in Peru as in Chile; and that, according to the fundamental principles of justice, therefore, the only logical deduction of this right, equal for both, is that both countries should have equal share in and equal positive guarantees so that the plebiscite may express, witnessed by both, the decision of the people.

This is a condition which was, moreover, agreed to in the Billinghurst-Latorre protocol.

I would now ask Your Excellency to allow me to prove that the right to vote belongs to the denizens alone.

Until they are naturalized, foreigners retain their legal status as such. So as not to lose their own national ties, nor acquire those of a foreign country, they have no political rights in the place where they may be domiciled; and upon a transfer of territory being effected, no declaration being required of them, their personal status remains unchanged.

The voting in the plebiscite, in the present case, is of a very special nature; it effectively brings about, not only a sharing by the citizen in the administration of public affairs, but specially invests him with the responsibility of a decision respecting the future sovereignty of the territory. Its specific political character should be sufficient to exclude all foreigners, without any exception, since constitutional science unerringly deprives them everywhere of that right.

If this suffrage is of such a nature that its exercise cannot be granted to all the nationals of the interested countries, still less is it possible to expect that it should be granted as a privilege to foreigners. Tacna and Arica are Peruvian provinces, and although the vote would be denied to those citizens of Peru who were not born in Tacna and Arica, it would still be allowed to the citizens or subjects of other nations, who would thus be in a more advantageous position, politically, though they are legally supposed to have no interest in the outcome of the proceedings, then the very citizens of Peru. The competent judgment of Your Excellency will relieve me from the necessity of enlarging upon the absurdity of such a conclusion.

If the plebiscite is the exclusive appanage of sovereignty, whose results do not affect the foreign population, it is obvious that nothing could justify the intrusion of these guests in a function whose transcendental consequences solely affect that political division to which they do not inherently belong.

To grant them the right to vote is to attribute to them a joint dominion, equally with the citizens of Peru, over the territory which they temporarily inhabit; of lordship over those who temporarily offer them hospitality, to the extent of deciding respecting their future state, thus slighting the sacred love of country; it is equivalent to authorizing them to inject themselves into the matter of the dispossession and denationalization of those same inhabitants; to violate that neutrality which the most elementary rules of right impose upon them in every international dispute.

Dr. Alejandro Alvarez, legal adviser of the Ministry, which is now in the care of Your Excellency, states, in one of his publications, referring to the foreigners domiciled in Tacna and Arica:

"It is a fundamental principle of civil and constitutional law of all countries that, in a foreign country, the alien has no political rights, and the highest manifestation of that political prerogative, from an international point of view, is undoubtedly the right to vote, to decide to which of two contending nations a portion of territory, militarily occupied by one of them, shall eventually belong. Aside from this, which is a fundamental reason, it might be pertinent to ask on what grounds should aliens have the right to vote in a matter dealing with the annexation of territory to another country. Is it because they own property in those territories? That interest would only give them the right to request that their property be respected, but nothing more. And so long as their possessions are respected, they can put forward no claim whatever to take part in the voting to decide a question respecting which they, as aliens, should have held, and must now hold, themselves aloof."

The fact of being a Chilean citizen is not a sufficient reason to justify an exception being made by allowing Chileans to vote.

In his report to the Congress of 1883, immediately after the Treaty of Ancon, when showing the influence on the plebiscite which the transitory Chilean administration might secure, the distinguished statesman, Sr. Luis Aldunate, added:

"If all these factors should incline the inhabitants of the region of Tacna and Arica, to *adopt Chilean nationality*, in this case, which must be taken as perhaps the most probable, the *assimilation of our new citizens* will have been already accomplished,

under no compulsion and undisturbed, requiring nothing further than a slight change in the geographical map of Chile."

These opinions of the Minister for Foreign Affairs, who went to Lima as a delegate of the Santiago Government, for the purpose of settling the peace preliminaries, prove that those electors who might be induced to "select Chilean nationality"—these "new citizens"—were in no sense the citizens of the country in occupation, but were indeed those Peruvians whose "assimilation" was taken for granted as a natural consequence of good government in the irredentist provinces.

Chilean citizens resident in either of these provinces are as alien as other aliens.

With no rights respecting Peruvian sovereignty, their personal status unaffected by the result of the plebiscite, the fact that their vote in behalf of Chile represents not only a violation of neutrality, but actual support in an act of conquest, but makes their unfitness still more evident.

The third clause of the treaty establishes that on the expiration of the period of ten years, "a plebiscite shall decide by popular vote" whether the territory of the provinces of Tacna and Arica shall remain definitely under the dominion and sovereignty of Chile or whether it shall continue to be a part of Peruvian territory.

Your Excellency is good enough to presume that the "popular will" in question includes that of all the inhabitants, even aliens who have established their interests and brought up their families in the district towards the prosperity of which they contribute their steady and fruitful labor.

If the consequence inferred from the last statement is true, this would be sufficient to invest them with political rights.

This theory, by the way, would infringe upon that of Chilean legislation, which forbids their participation even in municipal matters.

The fact of being an alien resident, presupposes instability, with a natural desire to return to the homeland, whose ties have not been severed, accompanied by the new family and the fortune acquired abroad.

This is the reason why, in the alien, a natural indifference to the struggle of a plebiscite is conceivable, since his sole interest would lie in the maintenance of peaceful conditions above all else.

Those who really desire, not only the present but the future advantages of a region, together with peace, whatever may be

the place of their residence, are the denizens who, through a sense of duty and patriotism, are ready to sacrifice in its defense their property, their family and even their lives.

Article 1 of the Chilean Constitution, declares that its form of government is a *popular* form.

This definition is due to the fact that its elections are the result, not of the total number of votes of the German, English, and other alien inhabitants, but of that of the citizens, viz., the Chilean people.

Confirming the above considerations, the text defines the scope of the qualifications from a legal point of view.

There is no reason why any different interpretation should be applicable from the point of view of international law, and still more so in that branch which relates to the plebiscite, since this institution is based, I must reiterate with apologies, upon sovereignty—that is to say, upon the people who exclusively constitute the nation.

Such are the teachings of the publicists.

It is also confirmed by those very diplomatic precedents invoked by Your Excellency.

The Treaty of Turin stipulates that with regard to the transfer, account shall be taken of: “the will of the people.” The regulations for the plebiscite, in Nice, provide, in Article 4, that: “those admitted to vote shall include all citizens who are at least twenty-one years of age, who belong by nationality or origin to the earldom of Nice”; and the regulations for this function in Savoy likewise provide, in Article 4, “all citizens at least twenty-one years of age, born in or out of Savoy, of Savoyan parents, and who reside in the district, shall be entitled to vote.”

In the Treaty of Vienna, the transfer is likewise stipulated, “conditionally upon the consent of the *people*, upon being duly consulted.” The regulations for the plebiscite “in the Italian provinces liberated from Austrian occupation,” set forth in Article 5: “on the days specified for the voting *all the Italians* in these provinces who have reached twenty-one years.” * * *

In the Treaty of Paris, likewise, the transfer is stipulated “upon the express condition of the consent of the people of St. Bartholomew”; and the King of Sweden established that “every man of the population of the island, in the enjoyment of civil rights and having attained his majority, can take part in the plebiscite.” An explanation was deemed necessary and it was given as follows, by the Minister of Foreign Affairs of the Monarch

effecting the transfer: "The sense of the foregoing is, *naturally, that only Swedish subjects may vote.*"

In all those regulations, in agreement with the treaties which pledged the consent of the peoples or inhabitants, the citizens are constantly indicated and no mention is ever made of aliens or nationals of the presumptive annexor.

The similar formula of "popular vote" employed in the treaty of Ancon, cannot therefore, Mr. Minister, be interpreted in a contrary sense.

I regret to have burdened to this extent Your Excellency's kind attention.

I have been compelled to do so, however, since it is most essential to emphasize the fact that the contentions of the Peruvian Government in this matter are neither arbitrary nor unconsidered; and to procure that, upon both His Excellency the President, and your good self, being convinced thereof, your spirit of justice may facilitate an understanding. Various expressions in the important communication to which I am replying induce me to believe that such an understanding is not far distant.

Your Excellency has been good enough to say to the undersigned: "Your Excellency knows full well that the Treaty of 1883, on leaving the definite nationality of Tacna and Arica to be determined by a plebiscite, did not state exactly what was to be understood by this plebiscite, neither did it settle the rules and manner of its execution. Naturally, such omissions cannot be ascribed to forgetfulness on the part of the negotiators, but rather to an implicit recognition that the measure agreed upon could be no other than that of plebiscite, mentioned in the history of International Law."

The spirit and legal effects of the plebiscite having been exhaustively described in the foregoing paragraphs, I have now to remark that the historic procedure to which Your Excellency refers has two different aspects.

One is the previous regulation of the *modus operandi*, issued by the authorities in Nice and Savoy, in the Italian provinces and in the Island of St. Bartholomew as is shown in detail.

The other is—in several cases immediately subsequent to the treaty with the transferring sovereign who had no further interest in the population or populations, which he expressly and absolutely abandoned—that of brutal coercion and fraudulent manipulation, to attain, at all costs, the appearance of a transfer.

I hasten to recognize, Mr. Minister, that the Chilean Government is not seeking to carry out the performance under this

latter aspect, which would seriously impair the prestige of the administration of His Excellency, Sr. Montt.

Historic precedents are thus reduced to the question of the by-laws of plebiscites, likewise at times impugned.

Therefore, if the negotiators at the Treaty of Ancon did not have those precedents in mind, it is reasonable to suppose that what they did have was the matter of the rules and regulations for the plebiscite.

This interpretation is ratified by the statement of Your Excellency's worthy predecessor, Sr. Luis Aldunate, in his report already referred to of the same year: "If, as the result of a plebiscite, the territory of Tacna and Arica should return once more to Peru, it would behoove Chile's loyal and honorable policy to respect the verdict of these people."

I am happy to be able to declare, Sir, that as far as this point of view is concerned, which truly solves the chief difficulties, I will accept, with some minor modification, Your Excellency's interpretation.

We agree with Your Excellency in considering it our first duty to put an end to a situation which, for a long time past, has profoundly disturbed the harmony of other days.

For these reasons, and those previously mentioned, I beg to invite Your Excellency to further conferences until we reach an agreement, grafting on to the disputed clauses of the Billinghurst-Latorre protocol, which we can use as a foundation, the positive precepts of diplomatic precedents, in agreement with the principles of right and justice.

These precepts, Mr. Minister, are the ones which, for men, as for communities, silence the immoderate counsels of self-interest, which fortify confraternity among nations by means of enduring bonds and harmoniously encourage their aggrandizement without dishonoring them, thus satisfying the lofty demands of patriotism, and those no less important of love of humanity and civilization.

I am convinced that the high-minded government of Your Excellency will see the matter in this light, which would enable us to defer to that spirit of Pan American solidarity, which today prevails among all the nations of our continent, for the equitable settlement of the differences which divide them.

I have the honor to tender to Your Excellency the assurances of my most distinguished consideration.

G. A. SEOANE.

TO HIS EXCELLENCY, SR. FEDERICO PUGA BORNE,
Minister for Foreign Relations of Chile.

Contestación del Ministro peruano Seoane, mayo 8 de 1908, en que refuta las ideas de la Cancillería chilena sobre las condiciones del plebiscito. (Boletín del Ministerio de Relaciones Exteriores del Perú, tomo XXVII, pág. 281.)

LEGACIÓN DEL PERÚ,
Santiago, 8 de mayo de 1908.

Señor MINISTRO:

* * * * *

En nada se relaciona éste último (el protocolo plebiscitario), de carácter exclusivamente político, con el comercio, la marina mercante y línea de navegación, el ferrocarril, ni aún con la indemnización.

Esos puntos, entre sí inconexos é independientes del tratado de Ancón, pueden negociarse aparte, y recibirán la preferente atención de mi gobierno, después de ejecutarse el protocolo plebiscitario; esto es, cuando quede eliminado de las relaciones del Perú y Chile el problema de Tacna y Arica, cuya subsistencia, por referirse al cumplimiento de un pacto solemne, no se aviene con la celebración de otros tratados.

Con criterio idéntico es que, en 1893, cuando el plenipotenciario de Chile, señor Vial Solar, recibió propuestas de bastante analogía con las actuales de V. E., respondió: "La misma importancia y naturaleza de esta materia aconsejan, á juicio de mi gobierno, el que ella no sea tratada fuera de su terreno natural, ni se la complique con un negocio de tan distinto carácter, cual es el que se relaciona con la nacionalidad definitiva de los departamentos de Tacna y Arica.

"Mi gobierno, en consecuencia, aceptará siempre gustoso cualquiera indicación de V. E. que tenga por objeto entablar negociaciones para el establecimiento de un sistema de liberaciones y franquicias comerciales recíprocas, y aprovechará toda coyuntura favorable para iniciar, por su parte, gestiones en ese sentido ante el ilustrado gobierno del Perú; *pero estima, al mismo tiempo, que no existe motivo que aconseje tratar este asunto en conexión con las cuestiones que se relacionan con la posesión definitiva de los departamentos de Tacna y Arica.*"

* * * * *

A causa de tales consideraciones es, señor ministro, que al conocer el plan en conjunto de V. E., expresé en nuestra primera entrevista, como se digna V. E. recordarlo, que para mi gobierno

la cuestión plebiscitaria es de tal importancia que ante ella todas las otras aparecen en término secundario; agregando que, antes de pedir instrucciones para la discusión de aquellos convenios anexos, consideraba indispensable que nos pusiéramos de acuerdo en cuanto al esencial, ó sea, el relativo á las formalidades que han de garantizar la libertad del sufragio y verdad del escrutinio.

Reproduciendo V. E. por escrito su exposición verbal, cumplo con reiterar la respuesta, á pesar de mis vivos deseos de complacerle; y ruego á V. E. que se avenga al aplazamiento, para después de pactadas tales formalidades, de los demás puntos englobados, de cuyo examen por ahora prescindo.

* * * * *

A este respecto, cúmpleme hacer á V. E. una observación fundamental. Las gestiones que mi gobierno me ha encomendado ante el de V. E. tienen por objeto el cumplimiento—no la modificación—del artículo III del tratado de paz de 20 de octubre de 1883. En tal concepto, he pedido la negociación del protocolo que debe, conforme á dicho artículo, establecer la forma del plebiscito y los términos y plazos en que hayan de pagarse los diez millones por el país á quien favorezca. Pretender el aumento del monto de la indemnización fijada por el tratado, es alterarlo, rompiendo la unidad y la correlación que hay entre todas sus cláusulas y haciendo más onerosa para el Perú la ejecución de la única estipulación pendiente, después de haber aprovechado Chile de las otras ventajas. Como he tenido la honra de declararlo á V. E., mi gobierno sólo saldría de las disposiciones del pacto de Ancón para asegurar la reincorporación inmediata y definitiva de las provincias peruanas de Tacna y Arica al territorio nacional.

El Perú confía en que le será favorable el plebiscito actuado conforme á los preceptos de su institución jurídica, y creo, dígnese V. E. disculpar mi franqueza, que también existe en Chile acerca de ese desenlace la convicción ya revelada por algunos de sus estadistas conspícuos, al confesar la esterilidad durante casi un cuarto de siglo de la obra afanosa de “chilenización.” En caso contrario no habrían muchos de los predecesores de V. E. prorrogado de hecho el procedimiento con indicaciones inaceptables, ni tampoco tuviera V. E. á bien proponer espontáneamente tal aumento.

Al país con fe en el triunfo, no le conviene, en efecto, un gravamen pecuniario superior al oportunamente pactado.

Aquella inexplicada cuantía se consideraría como nuevo sacri-

ficio impuesto hoy por una guerra que terminó hace veinticinco años, ó como incentivo para que se allanen sus personeros en el protocolo plebiscitario á concesiones que importarian abandono de sus derechos, ó sea, á una venta encubierta de Tacna y Arica con mengua del querer de los regnícolas, sin cuyo concurso es ilícito el desmembramiento territorial, y contrariando la aspiración unánime del sentimiento público del Perú:

Siendo erróneas tales posibles hipótesis, y no vislumbrando mi gobierno causa alguna para la modificación del tratado originario de estas negociaciones, debo en su nombre declarar que no acepta la mencionada propuesta. * * *

Supone V. E. que, según los precedentes modernos, el plebiscito incorporado en la historia del derecho internacional, constituye una fórmula de cesión simulada.

Esa objeción argüida verbalmente por V. E., es novísima en las múltiples conferencias desde atrás originadas por la cláusula tercera del tratado de Ancón.

En la legislación antigua, el elemento substancial y característico del plebiscito consiste en la voluntad popular, como expresión de la soberanía.

A la luz del principio de libertad, la revolución francesa de 1789 condenó la conquista impuesta por las armas y restableció aquella práctica democrática como base única justificativa para las mutaciones de la existencia de los estados.

Así transportados al campo internacional, los plebiscitos, ya á favor de Francia desde el actuado en Aviñón en 1791, ya á favor de la unidad italiana desde 1848 y todos los demás, invocan invariablemente como fundamento y título jurídico la consulta al pueblo.

En la práctica, no pocas veces se produjo el escarnio, ni dejó de sufrir el voto emitido el efecto de la coacción brutal y manejos fraudulentos. De allí el reiterado triunfo del anexante.

Pero la extorsión no es factor legal sino causa anulativa.

Los precedentes históricos en que se la ejerció demuestran que, á fin de obtener aparentemente el éxito de antemano concertado, hubo abusos, cual á veces los hay en elecciones locales. Pero así como no se invoca las últimas para legitimar los recordados abusos de política interna, tampoco se deduce de aquellos que, en la esfera del derecho público, se haya desvirtuado el plebiscito de índole libre para convertirse en disfraz del concepto diametralmente antagónico de la conquista; y que, por lo tanto, sea ésta la que siempre se revela consumada, en todos los documen-

tos que mencionan la voluntad popular como condición de transferencia.

En el artículo 2.º del dicho tratado de Ancón, el Perú cede á Chile, perpetua é incondicionalmente, el territorio de Tarapacá.

En cuanto á Tacna y Arica, el artículo 3.º estipula que, expirado el plazo de diez años de administración chilena, un plebiscito decidirá en votación popular, si el territorio de las provincias referidas queda definitivamente del dominio y soberanía de Chile, ó si continúa siendo parte del territorio peruano.

Si los negociadores de Ancón hubiesen impuesto la misma suerte á las poblaciones de Tacna, Arica y Tarapacá, no habrían convenido respecto de las primeras en el voto popular que respecto de la última omitieron.

Luego, no fue para simular acatamiento al principio de libertad proclamado por la revolución francesa, sino dando á las palabras su única clara acepción, que Chile pactó, empeñando su fe nacional, el plebiscito de Tacna y Arica.

Desde la época del restablecimiento de esa institución por la Asamblea Nacional, la expresión más ó menos correcta de la voluntad popular en pro de la anexión, se exhibe las más de las veces con prescindencia absoluta del soberano repudiado, por iniciativa de gobiernos insurrectos ó del ocupante bélico.

Tales casos no proceden como antecedentes análogos del pacto bilateral de Ancón.

La nación cesionista no ha estipulado el plebiscito sino en cuatro oportunidades.

En el tratado de Turín, de marzo de 1860, entre la Cerdeña y Francia, referente á Niza y Saboya.

En el de Praga, de agosto de 1866, entre Prusia y Austria, referente á las poblaciones de los distritos septentrionales de Schleswig.

En el del dicho tratado de Praga, completado en Viena al día siguiente, entre Francia y Austria, y luego en octubre del mismo año entre Austria é Italia, referente al reino lombardoveneto.

Y en el de París, de agosto de 1877, entre Suecia y Francia, referente á la retrocesión de la isla de San Bartolomé.

En el tratado de Turín, antes de referirse á la voluntad de las poblaciones, el rey de Cerdeña declara que: “consiente en la reunión de Saboya y de la circunscripción de Niza á Francia y *renuncia para sí y sus descendientes y sucesores en favor de S. M. el emperador de los franceses, á sus derechos y títulos sobre dichos territorios.*”

En el tratado de Praga, el emperador de Austria también

“renuncia en favor de Prusia” á su soberanía al norte del Schleswig: el plebiscito pactado en el artículo 5.º que en 1878 abrogaron las potencias contratantes, prevé, en efecto, el evento del voto de los nativos, no en pro del cesionista ni del cesionario, sino de la reincorporación á Dinamarca.

En el tratado de Viena “bajo reserva del consentimiento de las poblaciones debidamente consultadas” establecida por Napoleón III, que había aceptado la cesión para transferirla á Italia como se pactó en el de Praga, el mismo emperador cedente austriaco *“consiente en la reunión del reino lombardo-véneto al reino de Italia.”*

Por fin, en el tratado de París, antes también de la reserva acerca del consentimiento de la población, el rey de Suecia y Noruega *retrocede á Francia* la isla de San Bartolomé y *renuncia, en consecuencia, para sí y sus descendientes y sucesores, á sus derechos y títulos sobre dicha colonia.”*

En el tratado de Ancón, el Perú no renuncia, como en aquellos el soberano, á sus *territorios* de Tacna y Arica.

Al contrario, deja claro su anhelo de no sufrir otra mutilación, puesto que no sólo hace depender “la forma en que el plebiscito deba tener lugar” de “un protocolo especial que se considerará como parte integrante del tratado”; sino que se obliga, lo mismo que el gobierno chileno, á la entrega de diez millones de soles en caso de serle favorable el sufragio, ó sea, á un cargo comprobatorio de su expectativa que no se encuentra en ninguno de los cuatro pactos recordados.

Las poblaciones de Niza y Saboya y San Bartolomé y también las de Venecia, estaban unidas más á Francia é Italia respectivamente que á Cerdeña, Suecia y Austria, por vinculaciones históricas más ó menos sugestivas. Las de Tacna y Arica son de nacionalidad netamente peruana; sobre esas provincias jamás adujo Chile ni pretendió derecho alguno.

El plebiscito en Niza y Saboya se efectuó en abril de 1860; en Venecia, en octubre de 1866; y en San Bartolomé, en los últimos días de setiembre y 1º. de octubre de 1877: ó sea, á las pocas semanas de los tratados de marzo de 1860, octubre de 1866 y agosto de 1877 que, respectivamente, los estipularon. El de Tacna y Arica tuvo el plazo forzoso de diez años: no se le actuó á raíz del pacto, como habría ocurrido en 1883, si en verdad lo hubiese Chile impuesto y resignándose á aceptarlo el Perú, como fórmula, á consecuencia de la guerra, de adquisición á todo trance de esos territorios.

No existe, pues, paridad entre el tratado de Ancón y los europeos erróneamente citados como antecedentes.

Luego, no tuvo para sus negociadores alcance de letra muerta, la cláusula relativa al fallo de la voluntad popular.

Ratifican ese aserto las negociaciones anteriores.

Tales son las de octubre de 1880, á bordo de la corbeta americana *Lackawanna*, en las cuales pretendieron los plenipotenciarios chilenos, entre otras exigencias de menor importancia, la cesión de los territorios al sur de la quebrada de Camarones, el pago de 20 millones de pesos por el Perú y Bolivia solidariamente, y la “*retención* de Moquegua, Tacna y Arica hasta tanto se haya dado cumplimiento á las obligaciones á que se refieren las condiciones anteriores, obligándose además el Perú á no artillar el puerto de Arica *cuando le sea entregado*, ni en ningún tiempo”; las que originaron el protocolo Balmaceda-Trescot, suscrito el 11 de febrero de 1882, en Viña del Mar, en el cual el ministro de relaciones exteriores señaló como bases de paz (no acogidas por el gobierno de los Estados Unidos para ofrecer sus buenos oficios) la misma cesión al sur de Camarones, el pago de 20 millones de pesos y la ocupación de Tacna y Arica por diez años ó el mayor tiempo, “que el Perú podría fijar en el tratado,” con cargo de que, si al vencer el plazo estipulado, no pagase dicha suma “el territorio de Tacna y Arica quedaría cedido *ipso facto*” y que “*si Arica volviese al dominio del Perú*, permanecería desartillado para siempre”; las en que intervino Mr. Logan, en las cuales, según lo manifiesta el memorándum de 18 de octubre de 1883, el canciller chileno sugirió la idea, desestimada por el presidente señor García Calderón, de la actuación plebiscitaria, estableciendo que “estaba dispuesto á pagar diez millones de pesos por el territorio, *si el plebiscito lo entregaba á Chile*, y esperaba recibir, á su vez, diez millones de pesos *si el plebiscito lo acordaba al Perú*,” y aceptó que un árbitro decidiera si Chile tenía el derecho de comprar el territorio de Tacna y Arica ó había “de ocupar militarmente dicho territorio por el espacio de quince años, estando *obligado á evacuarlo á la expiración de ese plazo*.”

Esas negociaciones dejan de relieve que el Perú se resistió siempre á la cesión, en cualquiera forma, de los territorios de Tacna y Arica, y que, por lo tanto, al aceptar el sufragio plebiscitario en el tratado de 1883, contempló el plebiscito de derecho, según el criterio uniforme de los tratadistas, no el falseamiento de la voluntad popular con que alguna vez le profanaron los excesos. Por ese motivo, ambas repúblicas previeron, como quedó previsto

en los proyectos anteriores, la emergencia de la reincorporación al territorio peruano.

También corroboran el mismo aserto, no sólo las declaraciones al señor Larrabure, en 1884, del negociador chileno de aquel pacto, don Jovino Novoa, sino, prescindiendo de las extemporáneas y extraoficiales de don Luís Aldunate, las consignadas en 1883 (año del tratado) en la memoria de ese funcionario, en su calidad de ministro de relaciones exteriores.

Por no haber cesión disfrazada es que el 10 de agosto de 1892, ó sea, antes del 28 de marzo de 1894—en cuya fecha venció el decenio pactado—el señor Larrabure invitó al plenipotenciario señor Vial Solar á la elaboración del protocolo plebiscitario; y las conferencias, al principio verbales, continuaron durante un período extenso de años, ya en la misma forma, ya por escrito, así en Lima con los personeros de Chile, como en Santiago con los muchos estadistas que se sucedieron en la Moneda, sin que jamás ninguno adujese la incongruencia de tales gestiones.

Lejos de eso, previendo el posible triunfo del Perú en el plebiscito, el señor Lira pidió garantías para el pago de la indemnización: y el gobierno de Chile mantuvo su propuesta, siempre rechazada, acerca del aumento por su parte en algunos millones de los diez indicados, en caso de que, modificándose el pacto, se conviniere en la cesión definitiva.

En la cláusula primera del tratado chileno-boliviano del 18 de mayo de 1895, sobre transferencia de territorios, Chile se obliga á ceder á Bolivia los de Tacna y Arica “*si los adquiere á consecuencia del plebiscito* que haya de tener lugar en conformidad al tratado de Ancón”; en la cláusula tercera “se compromete á empeñar *todos sus esfuerzos para obtener en propiedad definitiva*” los dichos territorios; y, en la cláusula cuarta, contrae un compromiso subsidiario para el evento de que “*no pudiese obtener en el plebiscito* ó por arreglos directos la soberanía definitiva de la zona en que se hallan las ciudades de Tacna y Arica.”

Es obvio que, al haber acuerdo acerca del abandono, Chile no contemplaría, como lo hace en ese pacto de 1895, ni en los protocolos adicional y aclaratorio del 9 de diciembre del mismo año y 30 de abril de 1896, la posibilidad del sufragio en pro del Perú.

Por eso, ratificando anteriores declaraciones, el ministro de relaciones exteriores de Chile manifestó, en su memoria de 1894, que el tratado de 20 de octubre “ha deferido á un acto ulterior, consagrado por un pacto solemne, y *de resultados absolutamente inciertos*, la adjudicación del dominio de aquellos territorios.”

A su vez, en su mensaje de 1900, el presidente señor Errázuriz dijo que, “en el tratado de paz, *quedó indecisa* la nacionalidad definitiva de los territorios de Tacna y Arica.”

Por eso también, el mismo señor Errázuriz acató el compromiso internacional en el protocolo Billingham-Latorre que sancionó el senado, y después de aprobarlo en globo, dejó en suspenso la cámara de diputados—no porque ese documento rescindiera algún convenio—sino á fin de que el poder ejecutivo iniciara nuevas gestiones diplomáticas para dar cumplimiento á la cláusula tercera del pacto que estipula el plebiscito en votación popular.

La deducción sobre cesión simulada ó conquista de los territorios de Tacna y Arica, sacada—no del texto ni espíritu de aquel tratado—sino de los impertinentes plebiscitos europeos, debe, pues, descartarse por completo.

* * * * * *

¿Cuál es el título de la soberanía que hoy alega Chile en las provincias de Tacna y Arica?

No es ciertamente el de la ocupación, que sólo autoriza el derecho respecto de la *res nullius*.

Tampoco es el del sangriento avance militar durante la guerra á que puso término el tratado de 1883, en cuyo cumplimiento evacuó el ejército la región invadida, con dos excepciones, relativas á Tarapacá una y á las mencionadas provincias la otra.

De este pacto, únicamente depende por lo tanto el título invocado.

Su texto estatuye, en la cláusula tercera, que el territorio de las últimas “continuará poseído por Chile y sujeto á la legislación y autoridades chilenas durante el término de diez años, contados desde que se ratifique el presente tratado de paz.”

El canje de ratificaciones se efectuó el 28 de marzo de 1884.

El decenio feneció, en consecuencia, en igual fecha de 1894, y el Perú recuperó jurídicamente entonces su entero señorío, en parte suspenso.

Por eso, el ministro de relaciones exteriores, señor Jiménez, recordó, en junio de 1893, al plenipotenciario chileno en Lima, la oportunidad de la devolución de las provincias temporalmente ocupadas; luego, al encontrar resistencia, propuso que se sometiera la solución del caso al fallo de un gobierno amigo; y más tarde, en la víspera de la expiración del plazo, el plenipotenciario peruano en Santiago, señor Ribeyro, hizo presente de nuevo que la ocupación de aquellas provincias no correspondía á Chile después del 28 de marzo de 1884.

Esa afirmación se halla perfectamente de acuerdo con el espíritu y letra del tratado.

La mencionada cláusula tercera agrega, á continuación de la frase antes trascrita: “*expirado este plazo (el de los diez años), un plebiscito decidirá en votación popular. . . .*”

Es, pues, vencido el decenio—no dentro de él—que había el acto de efectuarse.

Natural es, en efecto, que se deje libre de la coacción que, en favor de su propia nacionalidad, pretendieren ejercer autoridades llevadas de un celo mal entendido, al pueblo en cuyo seno, durante ese intervalo decenal, debieron esforzarse por hacer más grato el régimen administrativo del país ocupante.

La terminación del período produce la del derecho convencional para cuya vigencia fue estipulado.

Concluso, cesó por lo tanto, á la luz de los principios, la soberanía precaria de Chile en los territorios de Tacna y Arica.

La posesión, por tiempo categóricamente perentorio, no se prolonga ni torna indefinida por sólo el albedrío de la parte que la disfruta, á pesar de las protestas de la otra parte contratante.

Por tal motivo, sin duda, el distinguido predecesor de V. E. don Mariano Sánchez Fontecilla, propuso al señor Ribeyro, entre otros puntos, el siguiente: “Se prorroga hasta el 28 de marzo de 1898 el plazo de los diez años acordados en el artículo III del tratado de Ancón.”

No concedida la prórroga, el gobierno de V. E. debió, pues, devolver los territorios peruanos, acatando el aforismo de legislación universal, según el que, al vencer el término de la tenencia temporaria, recupera íntegro su dominio el dueño directo de la cosa. * * *

Los antecedentes diplomáticos á que alude V. E. tampoco manifiestan que los plebiscitos se hayan realizado bajo la dirección exclusiva del estado en cuyo provecho resultó el sufragio.

Los plebiscitos de 1860, á favor de Francia, se efectuaron, según los documentos oficiales, bajo la *presidencia de las autoridades nombradas por el rey cesionista de Cerdeña*.

En la proclama de ese monarca á las poblaciones de Saboya y Niza, les dice, en efecto: “Para que nada pueda impedir la libre manifestación de vuestros votos, separo á los principales funcionarios del orden administrativo que no pertenecen á vuestro país y les reemplazo momentáneamente por varios de vuestros ciudadanos que gozan de la estima y consideración general.” Los dichos nuevos funcionarios expidieron, cada uno en su localidad,

el reglamento en el cual encomiendan á juntas municipales que formen la lista de los ciudadanos con derecho á voto, resuelvan las reclamaciones, etc.

El plebiscito de 1866, á favor de Italia, se realizó conforme á la *reglamentación expedida por el soberano anexante*, pero bajo la presidencia de municipios compuestos exclusivamente de regnícolas.

El comisario francés, general Leboeuf, recibió, en efecto, Venecia y la entregó á una junta de notables presidida por el conde Michiel. Víctor Manuel reguló entonces el procedimiento, disponiendo que las representaciones municipales de las provincias libertadas de la ocupación austriaca dictaran “todas las disposiciones convenientes para que la manifestación del sufragio universal resulte libre y solemne.”

El plebiscito de 1877, con resultado á favor de Francia, se efectuó *bajo la presidencia del rey cesionista de Suecia*, quien ordenó al gobernador de la isla de San Bartolomé “que dispusiera lo conveniente para la votación,” estableciendo las reglas que se hubiere de seguir.

La conformidad única de aquellos precedentes está en el *modus operandi*, ante nativos de la localidad sujeta á plebiscito; por lo que, si se les imitara, intervendrían en el de Tacna y Arica, en calidad de funcionarios, únicamente tacneños y ariqueños.

Pero, en lo que á presidencia concierne, los ejemplos se hallan disconformes.

Siendo absoluta, explícita, la renuncia para sí, sus descendientes y sucesores, del soberano cedente (punto esencial contrario al tratado de Ancón), habría sido concebible que dejara al anexante en plena libertad. Sin embargo, en dos casos sobre tres, es aquel cesionista quien asume, siempre según los dichos documentos oficiales, la alta dirección del acto.

He tenido la honra de comprobar que la permanencia de las autoridades chilenas en los territorios de Tacna y Arica, después del 28 de marzo de 1894, es evidentemente ilegal.

De lo ilícito no emanan derechos.

Luego, no existe el de soberanía que jamás tuvo Chile para presidir la actuación; mucho menos para dirigirla sin control, inscribiendo á los electores, recibiendo los votos en contra ó en pro de sus aspiraciones, computando el escrutinio y proclamándolo.

Tiene V. E. á bien anticiparme que “no ve inconveniente” para que las autoridades chilenas “al constituir las mesas electora-

les, den representación en ellas á ciudadanos de nacionalidad peruana y á ciudadanos de otras nacionalidades.”

Estos últimos no podrían ser sino los imparciales designados por nuestros respectivos gobiernos, de común acuerdo, para presidir el acto electoral.

El mío, á quien en verdad compete el ejercicio de la soberanía en las provincias cautivas, y no lo invoca para pretender el simultáneo papel de juez y parte, no admite, señor ministro, menos en la forma de concesión graciosa, la actuación subalterna, deprimente que, dado el espíritu amistoso y conciliador de nuestras negociaciones, habría deseado el infrascrito que V. E. se abstuviese de mencionar.

Sin que inspiren dudas las sinceras promesas de imparcialidad que se digna V. E. reiterar, cumplo con recordarle que las expectativas sobre Tacna y Arica subsisten no sólo en Chile sino en el Perú; y, por lo tanto, según los preceptos fundamentales de justicia, la única deducción lógica de ese derecho, en principio igual, es que las dos repúblicas tengan idéntica intervención é idénticas positivas seguridades, á fin de que el plebiscito exprese, con el testimonio de ambas, el veredicto del pueblo.

Permítame V. E. comprobar ahora que sólo incumbe á los regnícolas el derecho de sufragio.

Mientras no se nacionalizan, los extranjeros conservan su condición jurídica de tales. Por no perder sus vínculos propios de soberanía, ni adquirir los de la ajena, carecen de derechos políticos en el lugar de su domicilio; y al producirse una transferencia de territorio, sin que se les obligue á declaración alguna, continúa inalterable su estatuto personal.

El voto plebiscitario, en el caso actual, es de carácter especialísimo: hace efectiva, no sólo la participación del ciudadano en el manejo de la cosa pública, sino particularmente en la elección de soberanía determinada para el territorio. Bastaría su calidad política para que excluyera á todos los extranjeros, sin excepción, puesto que la ciencia constitucional dogmáticamente les priva en todas partes de ese derecho.

Si el sufragio es de naturaleza tal que su ejercicio no puede concederse á los demás nacionales de los países interesados, menos aún es dable pretender que se otorgue como privilegio á los extranjeros. Tacna y Arica son provincias peruanas. Y sin embargo de que á los ciudadanos del Perú, no nacidos en ellas, se les negaría el voto, éste correspondería á los ciudadanos ó súbditos de otras naciones; quedando así en situación política más ventajosa que la

de los compatriotas, aquellos en quienes debe suponerse jurídicamente que ningún interés tienen en el resultado del acto. El ilustrado criterio de V. E. me releva de patentizar lo absurdo de semejante conclusión.

Si el plebiscito es un derecho exclusivo de soberanía, y no les afecta su desenlace, es obvio que nada justifica la intrusión de aquellos huéspedes en ese acto, de tan trascendentales efectos únicamente para la agrupación política de la que no forman parte.

Concederles voto es atribuirles condominio, al igual de los dueños, sobre el territorio en que temporalmente habitan; señorío sobre quienes les ofrecieron hospedaje, al extremo de resolver acerca de su futuro, hiriendo el sentimiento sacrosanto de la patria: es autorizarlos, influyendo así en el desposeimiento y desnacionalización de los regnícolas, á quebrantar la neutralidad, que en toda contienda internacional, les imponen las reglas más triviales del derecho.

El doctor don Alejandro Alvarez, consultor técnico del ministerio hoy á cargo de V. E., dice en una de sus publicaciones, refiriéndose á los extranjeros domiciliados en Tacna y Arica: "Es un principio fundamental de derecho de gentes y de derecho constitucional de todos los países, que en país extranjero el extranjero no tiene ningún derecho político; y es la más alta manifestación de un derecho político, desde el punto de vista internacional, el sufragar por á cuál de los dos países contendientes debe pertenecer una porción de territorio que está ocupada militarmente por uno de ellos. Fuera de esta razón, que es fundamental, cabría aún preguntar por qué motivo los extranjeros habrían de tener derecho á voto en materia de anexión de un territorio á otro. ¿Porque ellos tienen bienes en esos territorios? Ese interés sólo les da derecho para pedir que sus bienes sean respetados y nada más. Y desde el momento en que sus bienes son respetados, ningún derecho pueden pretender ellos para concurrir con su sufragio á resolver una cuestión á la que ellos, como extranjeros, han debido y deben permanecer extraños."

La calidad de chileno no es causal de excepción que justifique el voto.

En su memoria al congreso de 1883, á raíz del pacto de Ancón, expuesta la influencia para el plebiscito de la administración transitoria de Chile, el conspícuo estadista don Luís Aldunate agrega: "si todas estas causas indujeran á los habitantes de la región de Tacna y Arica á *decidirse por la nacionalidad chilena*, en

esta hipótesis, que debe estimarse quizá la más probable, la *asimilación* de nuestros *nuevos connacionales* estaría operada de antemano sin violencias, ni sacudimientos, sin exigir más que una simple rectificación en el mapa geográfico de Chile."

Esos conceptos del ministro de relaciones exteriores que estuvo en Lima, en calidad de delegado del gobierno de Santiago, con el objeto de inspirar los arreglos de paz, comprueban que los votantes inducidos á "decidirse por la nacionalidad chilena," los "nuevos connacionales" no eran los hijos de la república ocupante sino los peruanos cuya "asimilación" se presumía como consecuencia de un buen régimen administrativo en las provincias retenidas.

Los ciudadanos chilenos en ellas residentes son en ambas tan extranjeros como los demás.

Sin derecho en la soberanía peruana, sin que afecte su estatuto personal el desenlace del plebiscito, la circunstancia de importar su voto en pro de Chile, no ya quebrantamiento de neutralidad, sino concurso efectivo en acto de conquista, hace aún más evidente su inhabilitación.

La cláusula tercera del tratado estatuye que, expirado el plazo de los diez años, "un plebiscito decidirá en votación popular" si el territorio de las provincias de Tacna y Arica queda definitivamente del dominio y soberanía de Chile ó si continúa siendo parte del territorio peruano.

V. E. se digna suponer que la "voluntad popular" requerida es la de todos los vecinos, inclusive la de los extranjeros que han radicado sus intereses y constituído su familia en las localidades, á cuya prosperidad contribuyen con labor perseverante y fecunda.

Si exacta fuese la consecuencia deducida de la última aseveración, bastaría ésta para que se les reconociera derechos políticos.

Desde luego, tal teoría infringe la de la legislación chilena que les veda aún la actuación municipal.

En el vecino extranjero se presume la inestabilidad, el deseo de regreso á la patria de la que no se ha desvinculado, con la nueva familia y la fortuna afuera adquirida.

Por esa causal, en él es concebible la indolencia que, en conflicto plebiscitario, le produjere el interés de la tranquilidad á todo trance.

Quienes anhelan de veras, sea cual fuere el lugar de su domicilio, á la vez que la paz, no sólo el bien presente sino el del porvenir de la región, son los propios regnícolas, que en su defensa, por deber y patriotismo, sacrifican su hacienda, su familia, y su existencia.

El artículo I de la constitución de Chile declara que su gobierno es *popular*.

Lo califica así por cuanto proviene su elección, no del conjunto de habitantes alemanes, ingleses, etc., sino de los ciudadanos, ó sea, del pueblo chileno.

Ratificando lo expuesto, el texto precisa el alcance de la calificación en el terreno de la ley.

No hay motivo para que varíe en el del derecho internacional, con tanta mayor razón en su ramo referente al plebiscito, cuanto que la institución se fundamenta, debo reiterarlo con excusas, en la soberanía, es decir, en el pueblo que exclusivamente constituye la nación.

Así lo enseñan los tratadistas.

Y también lo ratifican los antecedentes diplomáticos invocados por V. E.

En el tratado de Turín, se estipuló que para la transferencia se tomaría en cuenta "la voluntad de las poblaciones." El reglamento para el plebiscito en Niza dispone en su artículo 4: "serán admitidos á votar todos los ciudadanos de 21 años de edad, por lo menos, *que pertenezcan por su nacionalidad ó por su origen al condado de Niza:*" y el para el acto en Saboya dispone, también en su artículo 4: "se admitirá á votar á todos los *ciudadanos* de 21 años de edad, por lo menos, *nacidos en Saboya, ó fuera de Saboya, de padres saboyanos* que habiten el distrito."

En el tratado de Viena también se estipuló la transferencia "bajo reserva del consentimiento de las *poblaciones* debidamente consultadas." El reglamento para el plebiscito "en las provincias italianas liberadas de la ocupación austriaca" dispone en su artículo 5: "en los días señalados para la votación, *todos los italianos de dichas provincias* que hayan cumplido los 21 años . . ."

En el tratado de París, asimismo, se estipuló la transferencia "con la expresa reserva del consentimiento del pueblo de San Bartolomé," y el rey de Suecia dispuso: "todo hombre de la población de la isla, en el goce de sus derechos civiles y mayor de edad, puede tomar parte en el plebiscito." Se creyó necesaria una aclaratoria, y la dió como sigue el ministro de negocios extranjeros del monarca cesionista: "El sentido es, *naturalmente, que sólo deben votar los súbditos suecos.*"

En todos aquellos reglamentos, concordantes con los tratados que pactaron el consentimiento de los pueblos ó poblaciones, se menciona siempre á los regnícolas, jamás á los extranjeros ni á los nacionales del presunto anexante.

La fórmula análoga de “votación popular” empleada en el tratado de Ancón, no puede, pues, señor ministro, interpretarse en sentido contrario.

Deplorándolo, he abusado de la benévola atención de V. E.

Me ha parecido indispensable hacerlo, para dejar de relieve que no son inconsultas ni arbitrarias las alegaciones del gobierno del Perú en este negocio; y á fin de que, llevado tal convencimiento al ánimo del excmo. señor presidente y de V. E., allanen su rectitud y energía el camino del avenimiento. Inducen desde luego á presumirlo próximo, algunos conceptos de la importante comunicación á que contesto.

V. E., en efecto, se digna decir al infrascrito: “Bien sabe V. E. que el tratado de 1883, al entregar á la resolución de un plebiscito la determinación de la nacionalidad definitiva de Tacna y Arica, no expresó qué era lo que debería entenderse por dicho plebiscito, ni fijó tampoco el modo y forma de su ejecución. Razonablemente, tales omisiones no pueden atribuirse á olvido de parte de los negociadores, sino á un reconocimiento implícito de que el procedimiento pactado no podría ser otro que el de los plebiscitos incorporados en la historia del derecho internacional.”

Precisados en párrafos anteriores el espíritu y efectos jurídicos de la institución plebiscitaria, cumplo ahora con observar que el procedimiento histórico, al que alude V. E., se exhibe bajo dos aspectos.

Uno es el de la previa reglamentación del *modus operandi*, expedida por la autoridad en Niza, en Saboya, en las provincias italianas y en la isla de San Bartolomé, como detalladamente queda comprobado.

El otro es, en varios casos, á raíz del pacto con el soberano cesionista, ya sin interés en la población ó poblaciones de que hizo explícito y absoluto abandono,—el de la coacción brutal y manejos fraudulentos, para conseguir, á todo trance, la fórmula burlesca de la transferencia.

Me apresuro á reconocer, señor ministro, que el gobierno de Chile no pretende la actuación bajo este último aspecto, que destruiría el prestigio de la administración del excelentísimo señor Montt.

Los precedentes históricos se concretan entonces á la parte reglamentaria, también á veces observada, de los plebiscitos.

Luego, si los recordaron, esa es razonablemente la que tuvieron en mira los negociadores del tratado de Ancón.

Ratifican tal concepto las palabras del digno predecesor de

V. E. don Luís Aldunate, en su memoria citada del mismo año: "si el resultado del plebiscito volviera la región territorial de Tacna y Arica al dominio del Perú, cumpliría á la política leal y honrada de Chile acatar el fallo de aquellos pueblos."

Me complazco en declarar, señor ministro, que bajo ese punto de vista, que en verdad resuelve las principales dificultades, acepto con pequeñas variantes el criterio de V. E.

Como se digna V. E. hacerlo presente, reconocemos en perfecto acuerdo, el deber primordial de poner término á la situación que desde tan atrás perturba hondamente la armonía de otros tiempos.

Por eso y las anteriores consideraciones, me permito invitar á V. E. á que continuemos las conferencias hasta obtener el acuerdo, adaptando á las cláusulas combatidas del protocolo Billinghamst-Latorre que ha de servirnos de base, los preceptos positivos de los antecedentes diplomáticos, conformes á los principios del derecho y de la justicia.

Estos son, señor ministro, los que, entre las colectividades, como entre los hombres, acallan las sugerencias inmoderadas de la conveniencia; robustecen con vinculaciones estables la confraternidad de los estados; y á la vez fomentan, en concierto armónico, el engradecimiento sin mancha de cada uno de ellos, satisfaciendo así las exigencias nobles del patriotismo y las no menos levantadas del amor á la humanidad y á la civilización.

Estoy seguro de que, comprendiéndolo así el ilustrado gobierno de V. E., nos será fácil, señor ministro, rendir tributo al espíritu de solidaridad panamericana que hoy domina en todas las naciones de nuestro continente para el arreglo justiciero de las divergencias que las separan.

Muy grato me es reiterar á V. E. las seguridades de mi más distinguida consideración.

G. A. SEOANE.

Al Excmo. señor doctor don FEDERICO PUGA BORNE,
Ministro de Relaciones Exteriores de Chile.

No. 90

Note of the Minister of Foreign Affairs of Chile to the Minister of Foreign Affairs of Peru, August 11, 1909, complaining with reference to the terms of the Message to the Peruvian Congress by President Leguia. (Report of the Ministry of Foreign Affairs of Chile, 1910, p. 113.)

REPUBLIC OF CHILE,
MINISTRY OF FOREIGN AFFAIRS,
Santiago, August 11, 1909.

SIR: In the course of the speech made by His Excellency, the President of Peru, on the 28th of last month, at the opening of the sessions of the National Congress, while referring to the question at issue between our respective countries, relative to the definite decision as to the nationality of the provinces of Tacna and Arica, His Excellency expressed certain views, which both on account of their nature and their tone, and likewise on account of the solemn occasion upon which they were uttered, have necessarily attracted the attention of my government.

His Excellency, the President, considered it advisable to state: "One more year has already elapsed and no solution has been reached in respect to the problem affecting the provinces of Tacna and Arica; we must hope that the international policy of Chile will, eventually, follow the course indicated by justice." And he adds further on: "The statesmen of the neighboring country should understand that the maintenance of their prestige depends today on their faithful observance of the stipulations of the Treaty of Ancon, which has remained in abeyance since 1894, notwithstanding our determination to fulfill its provisions and the persistency with which we have pursued its execution."

These views contain judgments which cannot be accepted and are in conflict with the universally recognized standards of international courtesy, and are far from being in keeping with the deference due to the government of a country which is at peace with Peru. Your Excellency will understand that my government is justified in viewing with surprise that His Excellency the President should have expressed these sentiments on the occasion of a solemn ceremony, attended, at the express invitation of Your

Excellency, together with his Colleagues of the diplomatic body, by the representative of Chile.

Were it not that I consider it productive of no useful result to reopen a discussion upon the points to which His Excellency, the President of Peru, has been pleased to refer in his speech, I could prove that the acts of my government and the principles maintained by the statesmen of the Republic in respect to the problem of Tacna and Arica, have ever been inspired by the ideals of justice, and have always tended toward the faithful execution of the Peace Treaty of 1884. I shall, however, merely recall on this occasion, that if we have so far been unsuccessful in reaching an agreement with Peru, in respect to the manner of carrying out the plebiscite which is to determine that question, it is, principally, because in Chile we understand that all the inhabitants of the territory in dispute may take part in the popular ballot provided for in Article III of that Treaty, while Your Excellency's government maintains that the right to vote in the plebiscite belongs exclusively to Peruvians. If an international impression has been already formed on this point in America, as has been stated by His Excellency, the President, I believe I can assert that such is not favorable to the Peruvian interpretation of the Treaty.

The Chilean interpretation is based upon the very letter of Article III of the Treaty, and upon the record of its negotiations, which prove what its spirit really was; and our statesmen have certainly not impaired their reputation by defending that interpretation. At all events, it may perhaps be unnecessary to state, the good repute of rulers and statesmen of any country does not rest upon the judgment passed upon their actions by the rulers of another country, with which they may differ as to the manner of construing and applying the provisions of a treaty.

Due to the foregoing, I find myself in the painful necessity of declaring to Your Excellency that the Government of Chile cannot accept the imputation, ungraceful at the very least, that it has not, so far, during the various phases of the Tacna and Arica question, followed the course indicated by justice. Justice, however, can hardly be defined by only one of the parties in a controversy.

The government of this Republic has steadfastly desired to put an end to the protracted and grievous question of Tacna and Arica, which is the only obstacle that prevents the strengthening of a cordial friendship between Chile and Peru.

So as to attain this result, which my government most earnestly

desires, it will consistently endeavor to find a solution for this question, in accordance with the provisions of the Treaty of 1884, and will pursue, within these same provisions, the realization of the legitimate aspirations of Chile to the final possession of the territories in question.

With this purpose in view, the Chilean Government has always endeavored to carry out the plebiscite, surrounding it with all necessary guarantees so that none might question the authenticity of its verdict.

I avail myself of this opportunity to express to Your Excellency the assurance of my high and distinguished consideration.

AGUSTIN EDWARDS.

To His Excellency the MINISTER OF FOREIGN AFFAIRS
OF THE REPUBLIC OF PERU.

N.º 90

Nota del Ministro de Relaciones Exteriores de Chile al del Perú, agosto 11 de 1909, reclamando de los términos del Mensaje del Presidente Leguía al Congreso peruano. (Memoria de Relaciones Exteriores de Chile de 1910, pág. 113.)

REPÚBLICA DE CHILE,
MINISTERIO DE RELACIONES EXTERIORES,
Santiago, 11 de agosto de 1909.

Señor MINISTRO: En el discurso con que inauguró, el 28 del mes pasado, las sesiones del Congreso Nacional, refiriéndose á la cuestión pendiente entre nuestros respectivos países sobre la determinación de la nacionalidad definitiva de las provincias de Tacna y Arica, emitió el Excmo. señor Presidente del Perú conceptos que, por su fondo, por su forma y por la ocasión solemne en que fueron exteriorizados, han llamado necesariamente la atención de mi Gobierno.

El Excmo. señor Presidente tuvo á bien decir: "Transcurrido un año más sin que el problema que afecta á las provincias de Tacna y Arica haya sido resuelto, debemos esperar que la política internacional de Chile siga, al fin, el rumbo que la justicia le señala." Y más adelante agregó: "Los estadistas del país vecino deben comprender que el mantenimiento de su prestigio estriba hoy en cumplir fielmente la estipulación del Tratado de Ancón, inobservada desde 1894, á pesar de nuestra decisión en ejecutarla y de la persistencia con que hemos gestionado su cumplimiento."

Estos conceptos contienen apreciaciones inaceptables, que son contrarias á las prácticas universales de cortesía internacional y que no corresponden á las consideraciones debidas al Gobierno de un país que está en paz con el Perú. Comprenderá V. E. por esto que ha debido causar justificada extrañeza á mi Gobierno que el Excmo. señor Presidente haya vertido esos conceptos en una ceremonia oficial á la que asistía invitado expresamente por V. E., junto con sus colegas del Cuerpo Diplomático, el representante de Chile.

Si no fuera porque considero inconducente á cualquier resultado útil reabrir una discusión sobre los puntos á que el Excmo. señor Presidente del Perú ha tenido á bien referirse en su discurso, podría demostrar que los actos de mi Gobierno y los principios sustentados por los estadistas de la República en relación con el problema de Tacna y Arica se han inspirado constantemente en ideas de justicia y propendido en todo momento á la fiel ejecución del Tratado de Paz de 1884. Pero me voy á permitir recordar tan solo á este respecto que si no hemos logrado hasta ahora llegar á un acuerdo con el Perú sobre la manera de ejecutar el plebiscito que habrá de resolver aquella cuestión, es, principalmente, porque en Chile entendemos que en la votación popular prescrita por el artículo tercero de ese pacto pueden tomar parte todos los habitantes del territorio en litigio, mientras que el Gobierno de V. E. sostiene que el derecho de sufragar en el plebiscito es exclusivo de los peruanos. Si existe sobre este punto un concepto internacional ya formado en América, como lo ha expresado el Excmo. señor Presidente, creo poder afirmar que él no es favorable á la interpretación peruana del Tratado.

La interpretación chilena se basa en la letra misma del artículo tercero del Tratado y en los antecedentes de su negociación, que manifiestan cuál fué su espíritu y, ciertamente, nuestros estadistas no han menoscabado su prestigio sosteniéndola. En todo caso, tal vez es innecesario expresar que el prestigio de los gobernantes y estadistas de un país no descansa en el juicio que se formen sobre sus actos los gobernantes de otro país con el cual se hallan en disidencia acerca de la manera de entender y aplicar las disposiciones de un Tratado.

Me veo, por todo esto, en el penoso deber de expresar a V. E. que el Gobierno de Chile no puede aceptar la imputación, ingrata cuando menos, de que hasta ahora no ha seguido, en las diversas fases de la cuestión Tacna y Arica, el rumbo que la justicia le señala. No define la justicia una de las partes en litigio.

El Gobierno de esta Republica ha anhelado constantemente poner fin a la prolongada y enojosa cuestion de Tacna y Arica, que es el único obstáculo que se opone a la consolidación de una amistad cordial entre Chile y el Perú.

Y a fin de llegar a tal resultado, que anhela vivamente este Gobierno continuará empeñado en solucionar la cuestion conforme a las disposiciones del Tratado de 1884, y buscará, dentro de ellas, la realización de sus legítimas aspiraciones a la posesión definitiva de los referidos territorios.

Con este propósito, ha querido siempre que el plebiscito se efectúe con todas las garantías que sean necesarias para que nadie pueda dudar de la legitimidad de su resultado.

Aprovecho de esta oportunidad para expresar a V. E. las seguridades de mi alta y distinguida consideración.

AGUSTIN EDWARDS.

A. S. E. el señor MINISTRO DE RELACIONES EXTERIORES
DE LA REPÚBLICA DEL PERU.

No. 91

Reply from the Minister of Foreign Affairs of Peru, September 9, 1909, proving that the failure to carry out the plebiscite is due to Chile. (Bulletin of the Ministry of Foreign Affairs of Peru, vol. 33, p. 116.)

MINISTRY OF FOREIGN AFFAIRS,
Lima, September 9, 1909.

SIR: On the 26th of August ultimo, I had the honor to receive Your Excellency's despatch under date the 11th of the same month. This communication contains certain remarks designed to comment on the paragraph relating to Chile contained in the President's Message which was read to our Congress at the opening of its regular session. It is to be regretted that this document should have aroused the attention of the Chilean Government only in the direction mentioned by Your Excellency, and not in that expressive of the anxiety to reach the close of a dispute which prevents really cordial relations from subsisting between Chile and Peru.

Your Excellency's government is of the opinion that the speech of His Excellency, the President of Peru, expresses certain views which are in conflict with the universally accepted standards of international courtesy, and are not in keeping with the deference due to the government of a country which is at peace with ours. Notwithstanding the assertion I have just quoted, I can assure Your Excellency that the words which have been reproduced in no sense indicate any disregard of that courtesy which is due, since it can easily be seen that there is, among them, not a single word which may be termed improper. The Message is a statement in which the President reports on the progress of public business, including, of course, that of an international nature. As this is so, it is somewhat impossible to conceive how the duty of reporting upon the present condition of the problem relative to Tacna and Arica could have been evaded, or how it could have been fulfilled supplying information which would have been entirely satisfactory to Chile. Not to have mentioned this matter and to have left out the part relative to Your Excellency's government, after having touched upon all those referring to every other neighboring country, might then, perhaps, have appeared discourteous, aside

from the fact that this silence respecting that most vital among our national aspirations, would certainly have been considered utterly incomprehensible here. To have dwelt upon it, veiling the true condition of affairs, was impossible. The Executive could not adopt this course, because he is under the obligation not to disturb, by information devoid of truth, the judgment of the Representatives, who, in matters relating to neighboring countries, must duly weigh those causes which are susceptible of application, as determining factors, at times when international questions of serious moment are under consideration.

The passage referred to is extremely brief. It merely contains the necessary points to convey an exact idea of the situation and to express a hope. This hope, founded upon the good opinion which we have formed here as to the intelligence and good sense of the statesmen of Chile, is very far from constituting an offense. Although more than fifteen years have already elapsed since the period of occupation expired, we nevertheless still trust that truth will eventually prevail and that Chile will hearken to the voice of justice and cease to prevent the solution of the problem which divides us. And in expressing these views, His Excellency, Sr. Leguia, does so calmly, with extreme moderation, omitting expressions of protest or irritation, withholding all allusions to facts, incidents or information which might have affected the evenness of his declarations, and, finally, with no reference whatever to the policy specially adopted in connection with our countrymen of Tacna and Arica. On the other hand, to speak of the maintenance of Chilean prestige is, as should be readily understood, to employ a favorable and courteous formula with regard to Your Excellency's country.

His Excellency, Sr. Leguia, likewise states that international opinion in America is in our favor. There is nothing in this sentence derogatory to Chile, nor does it contain any misstatement. The best proof thereof is to be found in the fact that we would be willing to accept the decision of the Representatives of such countries, in Congress assembled, to consider the points at issue which divide us in the unsettled problem; as we would also be willing to accept the decision of any one of them alone, provided that nation were agreed to by common consent. It is precisely because we do not, of ourselves, claim to define justice, although the road to a just settlement of our difference is abundantly clear, that we are, as we always have been, resolved to accept the decision of a dispassionate and impartial judge, or tribunal, and this

despite the fact that the problem relative to the definite nationality of Tacna and Arica affects us to a far greater extent than it does Chile. The one who arbitrarily imposes its will and attempts to define justice is that party to a controversy which eludes every other consideration but that which consists in the relentless expression of its will.

Your Excellency adds that the appreciations of the Message are unacceptable, because the acts of the Chilean Government have been constantly inspired by the dictates of justice, always striving to secure the faithful execution of the peace treaty perfected in 1884. Had such been indeed the real intention, it is very evident that the matter would have been decided long ago, since it is beyond question that Peru could not possibly aspire to any other result, in view of her natural expectation of recovering populations which belong to her. Such intentions, unfortunately, have never been carried into the realm of action, with the result that from one postponement to another we now find ourselves in this present position. The only time when Your Excellency's government showed any inclination to settle the present difficulties by the expeditious and friendly instrumentality of arbitration, was in 1898; but it is likewise well known that this same auspicious opportunity itself eventually enabled Chile to allow a period of inactivity to intervene, which lasted for almost three years, and ended in the final and complete abandonment of the negotiations.

Your Excellency states that if Chile has not so far succeeded in reaching an agreement relative to the manner of carrying out the plebiscite, it is, principally, because in Chile it is understood that all the inhabitants of the territory in dispute should take part in the ballot, whereas in Peru it is contended that the right to vote belongs exclusively to Peruvians. The real reason which has so far prevented an agreement is of a more general character. It is due to the difficulty of assuring success in favor of Chile, owing to the unsurmountable obstacle presented by the will of the great majority of those same inhabitants, which has always been adverse to her; an obstacle which has prevented her from acquiescing in conditions which would mean the organization and holding of an honest and solemn plebiscite, the first of those conditions being the constituting of a controlling and impartial authority.

On more than one occasion Peru would have waived her unquestionable right of demanding that only Peruvians should vote, had she discovered in the Chilean Government the slightest intention of signing an agreement relative to the plebiscite which would

afford proper guarantees to our country. Sr. Ribeyro, our Plenipotentiary in Chile in 1894, believed then that he discovered a purpose of that nature and he specifically waived, as is well known, this right to vote exclusively by Peruvians; but even this was insufficient to obtain the acceptance by Chile of a settlement. At all events, it is a fact that if no agreement has been forthcoming, this circumstance cannot be imputed to Peru but to Chile, who neither on this point nor on any other, has ever been minded to seek a solution through the decision of an impartial judge.

In view of the above, I hope that Your Excellency's government will be convinced not only of the fact that the Message read by His Excellency, the President of Peru, to Congress, this year, embodies no views which could be interpreted as an intended discourtesy to Chile, but also of the further fact that his appreciations of the antecedents of the Tacna and Arica question are scrupulously exact.

Peru likewise desires, and for a double reason, the prompt execution of the agreement set forth in Article III of the Peace Treaty; but on account of her earnest desire to promote closer, more enduring and cordial relations with Chile, and to secure the return of the above-mentioned provinces once again within the bosom of the fatherland.

I avail myself of this opportunity to reiterate to Your Excellency the assurances of my high and distinguished consideration.

M. F. PORRAS.

To His Excellency the MINISTER FOR
FOREIGN AFFAIRS OF CHILE.

Nº 91

Contestación del Ministro de Relaciones Exteriores del Perú, septiembre 9 de 1909, en que demuestra que la no realización del plebiscito se debe a Chile. (Boletín del Ministerio de Relaciones Exteriores del Perú, tomo XXXIII, pág. 116.)

MINISTERIO DE RELACIONES EXTERIORES,

Lima, 9 de septiembre de 1909.

Señor MINISTRO: El 26 de agosto último tuve el honor de recibir la nota de V. E., que lleva fecha 11 del mismo mes. Dicha nota contiene observaciones destinadas á comentar el acápite referente á Chile del mensaje presidencial leído ante nuestro Congreso, en el acto de la apertura de sus sesiones ordinarias.

Es muy sensible que ese documento haya llamado la atención

de Gobierno chileno en el sentido que V. E. indica y no en el del anhelo que encierra de ver el término de la divergencia que impide una cordialidad perfecta entre Chile y el Perú.

Estima ese Gobierno que el discurso de S. E. el Presidente del Perú contiene conceptos que son contrarios á las prácticas universales de cortesía internacional y que no corresponden á las consideraciones debidas al Gobierno de un país que está en paz con el nuestro. No obstante la afirmación que transcribo, puedo asegurar á V. E. que las frases citadas no importan desconocimiento alguno de cortesía, pues es visible que no hay en ellas una sola palabra que pueda ser tachada de incorrecta. El Mensaje es la exposición en que el Presidente da cuenta de la marcha de los asuntos públicos, comprendiendo en ellos los que tienen carácter internacional. Y siendo así, no se percibe, en realidad, de que modo hubiera podido evitar la obligación de exponer el estado del problema de Tacna y Arica, ó cumplirla con datos que pudieran satisfacer del todo á Chile. No mencionar esa cuestión y omitir el punto relativo al Gobierno de V. E., después de tocar los que se refieren á los demás países vecinos, hubiera tal vez parecido acto de desatención, fuera de que tal silencio, en punto tocante á la más imperiosa de nuestras aspiraciones nacionales, habríase juzgado aquí inexplicable. Ocuparse de ella, ocultando la verdad de las cosas, era imposible. El jefe del Estado no podía hacer eso, porque está obligado á no perturbar con datos desprovistos de verdad el criterio de los representantes, quienes, tratándose de países vecinos, necesitan apreciar debidamente los elementos que pueden estudiarse como influencia posible en momentos en que se ventilan cuestiones internacionales de carácter grave.

El acápite de la referencia es muy corto. No contiene sino las indicaciones indispensables para dar idea de la situación y para formular una esperanza. Esta esperanza, fundada en el buen concepto que aquí tenemos de la inteligencia y del buen sentido de los estadistas de Chile, está muy lejos de constituir una ofensa. A pesar de que han transcurrido más de quince años desde que se venció el plazo de la ocupación, confiamos todavía en que la verdad se abra camino y en que Chile escuche la voz de la justicia, para no oponerse á la solución del problema que nos divide. Y al expresar esto el Excmo. señor Leguía lo dice serenamente, con la mayor moderación, sin palabras de protesta ni impacencias, sin hacer alusión siquiera á hechos, incidentes ó noticias que hubieran podido alterar la sencillez de sus declaraciones, y sin hacer, por último, referencia alguna á la política seguida en relación con

nuestros compatriotas de Tacna y Arica. Hablar, por otra parte, del mantenimiento del prestigio de Chile, es, se comprende fácilmente, emplear una fórmula favorable y cortés para el país de V. E.

Expresa además el Excmo. señor Leguía que la opinión internacional de América nos favorece. No hay en esta frase intención ofensiva para Chile, ni tampoco inexactitud. La mejor prueba de ello puede contemplarse en el hecho de que estaríamos dispuestos á aceptar lo que resolvieran representantes de dichos países reunidos en Congreso para dirimir los puntos de divergencia que nos separan en la discusión pendiente, como estaríamos dispuestos á aceptar también lo que alguno de ellos, solo, resolviera, si para tal fin fuera designado de común acuerdo. Precisamente porque no pretendemos por nosotros mismos definir la justicia, no obstante que es conocido el rumbo que hay que seguir en nuestro asunto para encontrarla, es que estamos y hemos estado siempre decididos á inclinarnos ante la resolución de un juez ó tribunal sereno é imparcial, y esto á pesar que el problema de la nacionalidad definitiva de Tacna y Arica nos afecta á nosotros más que á Chile. Impone y define realmente quién se sustrae á toda otra consideración que no sea la que consiste en su propia voluntad.

Agrega V. E. que son inacceptables las apreciaciones del Mensaje, porque los actos del Gobierno de Chile se han inspirado constantemente en ideas de justicia, propendiendo en todo momento á la fiel ejecución del Tratado de Paz perfeccionado en 1884. Con este propósito, es evidente que el asunto se habría resuelto hace mucho tiempo, desde que es incuestionable que el Perú no podía desear lo contrario, vista su natural aspiración de recuperar poblaciones suyas. Desgraciadamente, ese propósito no se ha traducido en hechos, lo que ha motivado que, de aplazamiento en aplazamiento, nos encontremos en la situación actual. La única oportunidad en que el Gobierno de V. E. estuvo inclinado á resolver las dificultades pendientes, por el medio expedito y amistoso del arbitraje, fué en 1898; pero es sabido que esa misma oportunidad feliz dió también margen en Chile á un período de inacción que duró cerca de tres años y que terminó porque el proyecto quedara definitivamente relegado.

Dice V. E. que si no ha logrado hasta ahora Chile llegar á un acuerdo sobre la manera de ejecutar el plebiscito, es principalmente porque allí se entiende que en la votación deben tomar parte todos los habitantes del territorio en litigio, mientras que en el Perú se cree que el derecho de sufragio corresponde exclusiva-

mente á los peruanos. La verdadera causa que se ha opuesto al acuerdo ha tenido un carácter más general. Ha consistido en la dificultad para Chile de asegurar el éxito á su favor ante el inconveniente insuperable de la voluntad de la inmensa mayoría de esos habitantes que le ha sido siempre adversa, inconveniente que le ha impedido acceder á condiciones que se traducen por la organización y verificación de un plebiscito serio y verdadero, siendo la principal de esas condiciones la constitución de una autoridad plebiscitaria imparcial.

En más de una ocasión habría el Perú renunciado al derecho incuestionable que le asiste de pedir que no voten sino los peruanos, si hubiere observado en el Gobierno de Chile el propósito de otorgar su firma á un advenimiento plebiscitario que concediese garantías á nuestro país. El señor Ribeyro, nuestro Plenipotenciario en Chile en 1894, creyó ver en esa época tal propósito y formuló explícitamente la renuncia del derecho al voto exclusivo de los peruanos, en la forma que es conocida; pero no fué esto bastante para determinar la aceptación de un arreglo por parte de Chile. En todo caso, es un hecho que si ha subsistido el desacuerdo, se debe esta circunstancia, no al Perú, sino á Chile, que ni en este punto ni otro alguno ha querido buscar la solución mediante el fallo de un juez imparcial.

En vista de lo expuesto, espero que el Gobierno de V. E. ha de quedar convencido, no sólo de que el Mensaje leído por S. E. el Presidente del Perú ante el Congreso del año en curso, no encierra conceptos que puedan traducirse en intención de descortesía para Chile, sino también de que sus apreciaciones sobre los antecedentes del asunto de Tacna y Arica son absolutamente sinceras.

El Perú anhela también y con doble motivo la ejecución pronta del compromiso pactado en el artículo 3° del Tratado de Paz; por el vivo deseo que abraza de estrechar sólida y cordialmente sus relaciones con Chile, y por el de traer de nuevo al seno de nuestra patria las provincias mencionadas.

Aprovecho de esta oportunidad para ofrecer á V. E. las seguridades de mi alta y distinguida consideración.

M. F. PORRAS.

Al Excmo. señor MINISTRO DE
RELACIONES EXTERIORES DE CHILE.

No. 92

Chilean proposal for the plebiscite and counter proposal by Peru, November, 1909. (Bulletin, Ministry for Foreign Affairs of Peru, vol. XXXV, p. 194.)

CHILEAN PROPOSAL

First, the plebiscite shall take place on a date which will enable the Chilean Government to fulfill the obligations which it has contracted towards the Republic of Bolivia, for the construction of the railroad from Arica to La Paz.

Second, all Chileans, Peruvians, and aliens who possess the following requisites shall take part in the vote, which shall be secret:

- (a) those qualifications necessary to be a voting citizen and
- (b) a minimum residence of six months.

Third, to Chile shall belong the presidency both of the Directing Board and of the registration and receiving Boards, which shall be composed of three members, to-wit: One Chilean, one Peruvian, and one neutral, designated by the foreign consuls of Tacna or by a friendly nation.

Fourth, in all matters not contrary to the present bases, Chile would accept, if Peru so prefers, the stipulations of the Billinghurst-Latorre protocol.

PERUVIAN COUNTER-PROPOSAL

The following modifications are necessary to the four points contained in the memorandum submitted by the Charge d' Affaires of Chile:

First, the Directing Board entrusted with the arrangements for the plebiscite, shall enter upon its duties within a period of three months from the date of the signing of the plebiscitary protocol.

Second, all Peruvians and Chileans who possess the following requisites may take part in the vote, which shall be public:

- (a) The age of twenty-one years.
- (b) A residence in the territory dating at least from July 1, 1907.

Those born in the territory of Tacna and Arica, and who are present at the time of the vote, may also take part, provided they have previously registered for that purpose.

Public employees and members of the Army, or police force on duty in the provinces, shall not be allowed to vote.

Third, the Directing Board shall be composed of three members, to-wit: A Peruvian, a Chilean, and a neutral designated by a friendly nation. The presidency shall belong to the neutral. The Boards for the registration and for the receiving of the votes shall also be composed of one Peruvian delegate, one Chilean, and one neutral. The presidency of these Boards shall likewise belong to the neutral delegate.

Fourth, the Directing Board shall designate the places where the registration and reception Boards are to operate.

On all other points of detail the Billinghurst-Latorre protocol shall decide.

OBSERVATIONS

First, Peru is disposed to accept arbitration in order to settle any differences of opinion that may not be reconcilable.

Second, Peru accepts the vote of the Chileans in order to furnish evidence of her desire to reach an agreement, but she does not abandon the theory which she has always held, that the exclusive right belongs to the natives of Tacna and Arica. Therefore, if an agreement should not be brought about, the present concession must not be taken as a final recognition.

Third, in judging the proposal of Peru, the fact must be taken into account that about sixteen years have elapsed since the period when the occupation expired.

Fourth, as there is a discrepancy between the purpose animating the Chilean Government to conclude the agreement in question and that revealed by the measures adopted or proposed against the Peruvian residents, and which furnished the grounds for the protests presented orally or in writing by the Peruvian Government, the latter believes that these measures should be suspended, revoked, or not enforced.

Nº 92

Propuesta chilena para el plebiscito y contrapropuesta peruana, noviembre de 1909. (Boletín del Ministerio de Relaciones Exteriores del Perú, tomo XXXV, pág. 194.)

PROPUESTA CHILENA

Primero.—El plebiscito tendrá lugar en una fecha que permita al gobierno de Chile cumplir las obligaciones que tiene contraídas

con la república de Bolivia para la construcción del ferrocarril de Arica á La Paz.

Segundo.—Tomarán parte en la votación, que será secreta, todos los chilenos, peruanos y extranjeros que reúnan los requisitos siguientes:

- a) Las calidades necesarias para ser ciudadano elector; y
- b) Una residencia mínima de seis meses.

Tercero.—Corresponderá á Chile la presidencia tanto de la junta directiva como de las juntas de inscripción y de recepción, que se compondrán de tres *vocales*, á saber: uno chileno, uno peruano y otro neutral designado por los cónsules extranjeros de Tacna ó por una nación amiga.

Cuarto.—En todo lo que no sea contrario á las presentes bases, Chile podría aceptar, si el Perú lo prefiere, las estipulaciones del protocolo Billingham-Latorre.

CONTRAPROPUESTA PERUANA

Son necesarias las siguientes modificaciones en los cuatro puntos que contiene el memorándum del señor encargado de negocios de Chile:

Primero.—La Junta directiva encargada de organizar el plebiscito comenzará á funcionar en el término de tres meses contados á partir del día en que se firme el protocolo plebiscitario.

Segundo.—Podrán tomar parte en la votación, que será pública, todos los peruanos y chilenos que reúnan los siguientes requisitos:

- a) Veintiún años de edad;
- b) Residencia en el territorio por lo menos á partir del 1. de julio de 1907.

Podrán también tomar parte los nacidos en el territorio de Tacna y Arica que se hallen presentes en el momento de la votación, si previamente se hubiesen inscrito para tal objeto.

No podrán votar los empleados públicos ni los individuos del ejército ó de la policía que presten sus servicios en dichas provincias.

Tercero.—La junta directiva se compondrá de tres vocales, á saber: un peruano, un chileno y un neutral designado por una nación amiga. La presidencia corresponderá al neutral.—Las juntas para la inscripción y recepción de votos se compondrán, también de un delegado peruano, un chileno y un neutral. La presidencia de estas juntas corresponderá también al delegado neutral.

Cuarto.—La junta directiva señalará los lugares en que deban funcionar las juntas inscriptoras y receptoras.

En todos los demás puntos de detalle regirá el protocolo Billinghurst-Latorre.

OBSERVACIONES

Primera.—El Perú está dispuesto á aceptar el arbitraje para resolver las divergencias de opinión que no fuesen conciliables.

Segunda.—El Perú acepta el voto de los chilenos para dar prueba del deseo que le anima de llegar á un avenimiento, pero no renuncia á la teoría que siempre ha sostenido sobre el derecho exclusivo que corresponde á los naturales de Tacna y Arica. Por tanto, si no hubiese acuerdo, la concesión actual no podrá estimarse como un reconocimiento definitivo.

Tercera.—Debe tenerse en cuenta para juzgar la propuesta del Perú el hecho de haber transcurrido cerca de diez y seis años desde que se venció el plazo de la ocupación.

Cuarta.—Habiendo contradicción entre el propósito que anima al gobierno de Chile para celebrar el acuerdo en cuestión y el que revelan las medidas adoptadas ó proyectadas contra los residentes peruanos y que han motivado las reclamaciones que verbalmente ó por escrito ha presentado el gobierno del Perú, estima éste que esas medidas deben suspenderse, revocarse ó quedar sin ejecución.

No. 93

Opinions relative to Article III of the Treaty of Ancon, contained in the Chilean Red Book. (Santiago, 2nd edition, 1912, pp. 123, 152, 167-68.)

Page 124.]

* * * * *

The negotiators of the Treaty of Ancon, when stipulating that Tacna and Arica were to remain under the sovereignty of Chile until a plebiscite should decide the final nationality of these territories, invested this measure with the importance and range which diplomatic history and international practice jointly attribute to it. Being men versed in the affairs of state, they chose the plebiscite as a means; not in its theoretical or juridical aspects, but because they knew it offered the easiest solution of the difficulties which the Peruvian Government was encountering; that is to say a practical and honorable means leading to the annexation of those territories, making it acceptable to public sentiment in the country which had been defeated in the war."

Page 152.]

* * * * *

The Chilean negotiators, being practical statesmen, chose a formula that would conciliate the demands, which our country considered the irreducible minimum, with the sensitiveness of Peruvian patriotism. This consisted in demanding the absolute and unconditional surrender of Tarapacá, which, by this time, found no resistance, and the indirect surrender of Tacna and Arica—since a direct cession had been resisted even when disguised as a sale—through a process, in keeping with the circumstances, which was easily found in the history of the institution of plebiscites."

Page 167.]

* * * * *

In the examples furnished by history, plebiscites have taken place shortly after having been agreed upon, because they dealt with cessions which were unopposed by the country effecting the transfer. In the case of Tacna and Arica, as the cession was

strenuously resisted and as it was desired to carry it out with no friction, the term of ten years was agreed upon, a period of time which was considered necessary to enable the Peruvian nation to view with equanimity the definite incorporation with Chile, without a plebiscite or by means of one which would bring victory to our country, of a portion of territory which it considered to be only temporarily under our authority.

This is the only explanation for the period of time agreed upon, because the Chilean negotiators would have shown a lamentable want of judgment had they agreed upon a bona fide plebiscite, under the impression that in ten years our country could win over the good-will of the denizens of Tacna and Arica; or if they had thought to secure, when deciding upon this term of years during which the territory was subject to our sovereignty, a further war indemnity, for they were well aware that the estimated expenditure in those provinces would mean a serious annual loss to Chile.

N.º 93

Conceptos contenidos en el Libro Rojo de Chile sobre el artículo III del Tratado de Ancón.

Pág. 124.]

* * * * *

Los negociadores del pacto de Ancón, al estipular que Tacna y Arica quedaban bajo la soberanía de Chile, debiendo un plebiscito resolver posteriormente la nacionalidad definitiva de esos territorios, dieron á este procedimiento el valor y alcance que le señalan de consuno la historia diplomática y la práctica internacional. Como hombres de estado que eran, tomaron la fórmula plebiscitaria, no en su alcance teórico ó jurídico, sino que vieron en ella el procedimiento más adecuado á las circunstancias difíciles por que atravesaba el Gobierno del Perú, es decir, una fórmula práctica y honrosa para facilitar la anexión de aquellos territorios, haciéndola aceptable al sentimiento popular del país vencido en la contienda."

* * * * *

Pág. 152.]

Los plenipotenciarios chilenos, como estadistas que eran, buscaron una fórmula que conciliara las exigencias que nuestro país consideraba irreductibles, con las susceptibilidades del patriotismo peruano. Ella consistió en pedir la cesión directa é

incondicional de Tarapacá, que ya no presentaba resistencias, y la cesión indirecta de Tacna y Arica,—ya que la directa fué resistida hasta en forma de venta,—por un procedimiento apropiado á la situación, que no era difícil encontrar en la historia de la institución plebiscitaria.

* * * * *

Pág. 167.]

En los casos que registra la historia, el plebiscito se ha llevado á efecto poco tiempo después de estipulado porque se trataba de una cesión que no era resistida por el país que hacía la transferencia. En el caso de Tacna y Arica, como se trata de una cesión resistida, y que quería hacerse sin violencia, se fijó el plazo de diez años, lapso de tiempo que se estimó necesario para que se resignara el pueblo peruano á ver definitivamente incorporada á la soberanía de Chile, sin plebiscito, ó mediante uno que diera el triunfo á nuestro país, una porción de territorio que él creía sólo temporalmente en nuestro poder.

Esta es la única explicación del plazo fijado, porque los negociadores chilenos habrían procedido con falta absoluta de experiencia si, pactando un plebiscito serio, hubieran supuesto que nuestro país iba en diez años á conquistar la voluntad de los originarios de Tacna y Arica, ó si hubieran buscado en ese lapso de tiempo, en que se colocaba ese territorio bajo nuestra soberanía, una indemnización de guerra, desde que sabían que el presupuesto de gastos de esas provincias impondría á Chile una pérdida de importancia.

No. 94

Conditions proposed by telegraph in the Huneeus-Valera negotiation. Dispatches from the American Minister in Chile to the State Department, November 18 and December 3, 1912. (Foreign Relations of the U. S., 1913, pp. 1227-28.)

[Extract]

No. 278.]

AMERICAN LEGATION,
Santiago, November 18, 1912.

SIR: I have the honor to confirm my telegrams on the subject of Tacna and Arica. * * *

I called at the Foreign Office on the 15th upon other business, and at the close of my conversation with Sr. Huneeus informed him of the communication made to the Department by Sr. Suárez Mujica and of Mr. Knox's reply as learned from the Department's telegram of November 12, and congratulated him upon his achievement. He expressed his appreciation and said that any points which seemed unsatisfactory could and would be settled in the negotiations which would follow immediately upon the resumption of diplomatic relations.

He very frankly communicated to me the bases of settlement, though he stated that they were confidential for the present. They are substantially as stated in my telegram of November 10, but for the Department's convenience I recapitulate them here, as follows:

1. Diplomatic relations to be reestablished at once.
2. A commercial treaty of reciprocity to be negotiated immediately.
3. Chile to pay Peru 500,000 pounds on the signature of the treaty. (It is understood that Peru will devote this sum exclusively to economic, i.e., non-military, purposes.)
4. Definitive status of Tacna and Arica provinces is to be decided by a plebiscite to be held 21 years after signature of new treaty or protocol which will stipulate that the right to vote on the question will be limited to Peruvians and Chileans, able to read and write, who shall have resided in the province three years before the plebiscite. (This will exclude Indians and foreigners.)

The Election Board will be composed of five persons: the Peru-

vian Government will nominate two of its nationals as members and the Chilean Government likewise will nominate two Chileans; to these will be added the President of the Supreme Court of Chile, at the time being, who will be President of the Tribunal; and in case of disagreement the majority of the Tribunal shall decide and their acts will be binding on the whole Board. (This will enable Chile alone to hold the plebiscite in case Peru should withdraw for any reason.)

The losing nation is to pay the full amount of the indemnity stipulated in the Treaty of Ancon. (The 500,000 pounds bonus to be paid by Chile to Peru on the conclusion of the commercial treaty is entirely independent of any indemnity connected with the plebiscite.)

I have [etc.]

HENRY P. FLETCHER.

No. 286.]

AMERICAN LEGATION,
Santiago, December 3, 1912.

SIR: In continuation of my No. 278 of November 18 last, on the subject of the Chilean-Peruvian negotiations, I have the honor to report that the bases of the settlement are still under discussion in secret sessions of the Senate.

I am informed, privately, that the payment of 500,000 pounds sterling by Chile to Peru has been eliminated as one of the terms of settlement. I also understand that there is to be a secret agreement between the two countries to maintain the same export tax on nitrate. Many persons believe that the reported discovery of nitrate in southern Peru has contributed in no small degree towards bringing the two countries together.

The Department, I am informed, is already aware that, by the provisional contract of the Government of Peru and the Du Pont Company, it is stipulated that the duties and taxes to be received by Peru on any nitrate which may be found shall correspond exactly to those levied on this article in Chile.

I am informed by members of Congress, who profess to know, that the prospects of reaching a settlement are good but that no efforts will be made to hurry matters.

I have [etc.]

HENRY P. FLETCHER.

Extract from the Message of President Billinghurst to the Peruvian Congress, explanatory of the real intention of the Huneeus-Valera negotiation on the part of Peru.

The term of 21 years for the carrying out of the plebiscite has been agreed upon; too long a term, it is true, when viewed from the standpoint of patriotism; a prudent term, however, which takes the facts into consideration as well as the inevitable necessities and the counsels of foresight.

Would the immediate carrying out of the plebiscite suit the interests of Peru? The acceptance of this proposal would imply the rash determination to recognize in a hasty and ill-considered fashion, and with absolutely no advantage to ourselves, the fact of Chilean occupation. A clear conscience and unprejudiced eyes are all that is required to agree to this.

After the lapse of so many years and due to the condition of affairs which has arisen, first owing to our defeat, and secondly to the efforts and attempts of our Chancery, all wanting in definite purpose; taking into consideration, also, the financial situation of the country, it is imperative, in the highest degree, that a certain amount of time be allowed to elapse to enable our institutions to grow stronger, to develop our resources, recover our lost courage, and place us, in a word, in a position to contend on equal terms and to win. All this, in the life of a nation, is by no means a result which can be achieved at short notice.

When one has fallen so low that a return is only possible through one's individual efforts, it should be made in such a manner as to prevent a repetition of the misfortune, so that the recovery, though gradual, be steady and assured.

If due regard is given to the practical value of the reasons here put forward, it will be recognized that they are the outcome of a real condition of affairs and that they are due to the promptings of plain common sense, which is by no means at variance with the loftiest patriotism and takes into consideration, as far as possible, relative conveniences at least, instead of difficulties, disadvantages and risks of all kinds.

* * * * *

On one hand we have the "de facto" situation, unfavorable

to Peru, due to the non-fulfilment by Chile of the Treaty of Ancon.

The agreement alters this situation and opens up a field where Peruvian citizens will be able to freely exercise their rights, protected by the laws and guarantees which all civilized countries grant to their inhabitants.

* * * * *

During this term, if we consider the important undertakings which we shall have to carry out, against the opening of the Panama Canal, Peru, under the influence of peace, will be able to achieve real internal development, to increase its economical resources and strengthen its political and military power, thus lessening the distance which today separates it from Chile, a country on a much higher financial plane than we are, thanks to the fabulous indemnity which we were obliged to pay as a result of the disastrous campaign of 1879.

* * * * *

Nº 95

Extracto del Mensaje del Presidente Billinghurst al Congreso peruano explicando la verdadera finalidad de la negociación Huneeus-Valera por parte del Perú.

Se ha convenido en el plazo de 21 años para la celebración del plebiscito; plazo demasiado largo, si se aprecia con el sentimiento de la nacionalidad; plazo prudente, que consulta de una manera racional las exigencias de la realidad y los dictados de la previsión.

¿Convendría al Perú la celebración inmediata del plebiscito? Aceptar este propósito sería adoptar la temeraria resolución de legalizar de una manera precipitada é inconcebible, y sin ventaja alguna, la ocupación de Chile. Para formarse este juicio basta tener ojos claros y conciencia recta.

Después del largo tiempo transcurrido, y de las situaciones creadas, primero, por el desastre, y luego, por los esfuerzos y las tentativas sin orientación segura de nuestra Cancillería; atento el estado económico en que se encuentra la República; se impone de manera necesaria, con necesidad absoluta, que trascurra algún tiempo para consolidar sus instituciones, para acrecentar su hacienda, para robustecer sus energías, para levantar su moral, para colocarse en aptitud, en fin, de luchar dignamente y de triunfar. Y todo esto, en la vida de las naciones, no es, ciertamente, obra de un momento.

Cuando se ha caído tan hondo, ya que sólo es posible resurgir con el propio esfuerzo, preciso es hacerlo de modo de evitar la repetición de la caída, y de ascender, aunque con paso lento, pero firme y seguro.

Si se atiende, pues, á la importancia positiva de las consideraciones expuestas, habrá que convenir en que ellas se desprenden de una situación real; y que obedecen á razonamientos de sentido práctico, que no está reñido con el patriotismo más ascendrado, y que consulta, en cuanto es posible, relativas conveniencias, cuando menos, en lugar de dificultades, desventajas y riesgos de todo género.

* * * * *

Por un lado se presenta la situación *de facto*, desfavorable para el Perú, creada por la inejecución por Chile del tratado de Ancón.

Por el acuerdo se modifica esa situación, y se abre el campo en que los nacionales peruanos podrán ejercer libremente sus derechos, al amparo de las leyes y garantías que todo país civilizado ofrece á sus habitantes.

* * * * *

En ese plazo, si se tiene en cuenta las grandes obras que debemos realizar, preparándonos para la apertura del Canal de Panamá, podrá el Perú obtener, á la sombra de la paz, progreso real interno y acrecentar sus fuerzas económicas y su poderío político y militar, acortando la distancia que hoy lo separa de Chile, que se encuentra en un nivel financiero muy superior al nuestro, gracias á la fabulosa indemnización que tuvimos que pagarle como consecuencia de la desastrosa guerra de 1879.

* * * * *

No. 96

Telegram from the Minister of Foreign Affairs of Chile to the Chilean Consul in Callao, December 20, 1912, instructing him to inform the President of Peru that the agreement cannot be entertained. (Report of the Minister of Foreign Affairs of Chile, 1911-1914, p. 290.)

SANTIAGO, *December 20, 1912.*

You are requested to inform President Billinghamurst that owing to the fact that he showed you his Message, this compels us to take the secret contents of that document into consideration. We have noticed therein statements and declarations of the utmost gravity, not only because they do not accord with the spirit and the letter of the negotiations of November, but also because they reopen the discussion relative to the Provinces of Tacna and Arica for the purpose of weakening or limiting the sovereignty which the Treaty of Ancon confers on Chile in those territories, all of which is frankly and absolutely unacceptable. We cannot, therefore, avoid replying to those declarations as they deserve, a reply you will receive by next mail. We shall await to be informed of the opinion of the Peruvian Government respecting our next communication so as to deal with the matter referred to.

HUNEEUS.

Nº 96

Telegrama del Ministro de Relaciones Exteriores de Chile a su Cónsul en el Callao, en diciembre 12 de 1912, ordenándole que informe al Presidente del Perú que el acuerdo es inaceptable. (Memoria de Relaciones Exteriores de Chile de 1911-1914, pág. 290.)

SANTIAGO, *diciembre 20 de 1912.*

Ruego a U. S. decir al Presidente Billinghamurst que el hecho de que él le haya entregado a U. S. su Mensaje nos obliga a tomar en consideración el contenido secreto de dicho documento. Hemos encontrado en él afirmaciones y declaraciones de la más extremada gravedad, no sólo porque no guardan armonía con el espíritu y con los términos de las negociaciones de noviembre, sino también

porque renuevan el debate relativo a las provincias de Tacna y Arica con la mira de debilitar o limitar la soberanía que el Tratado de Ancon confiere a Chile en aquellos territorios, todo lo cual es franca y absolutamente inaceptable. No podemos, por consiguiente, prescindir de dar a esas declaraciones la respuesta que ellas reclaman y que recibirá U. S. por el próximo correo. Esperamos conocer la opinión del Gobierno del Perú acerca de nuestra próxima comunicación para tratar de la materia que nos ha ocupado.

HUNEEUS.

Testimony from Chilean sources refuting the theory that Tacna and Arica are necessary to Chile for strategic purposes. (*J. M. Barreto*: "El Problema Peruano-Chileno," 3d edition. Lima, 1919, pp. 253, 254, 257, 258, 261-268.)

The engineer, Sr. Manuel J. Soffia, while Political Chief of Tacna in 1884, was instructed by President Santa Maria to submit his opinion, as representative of Chile in the Peruvian provinces, upon the Treaty of Ancon which had just been promulgated by that Executive, and Sr. Soffia, carrying out these instructions, wrote to the Minister of his country in Lima, Sr. Jovino Novoa, and to the Commander in Chief of the Army of occupation, Admiral Patricio Lynch, as follows:

"I need touch only slightly upon the international, economic and political problems which are a consequence of the River and Gap of Sama, for your clear understanding to appreciate the full importance of these difficulties.

"The River Sama, which at its source is called Chaspaya and which likewise receives the waters of various affluents, runs along a movable bed the course of which changes at short and uncertain intervals. In addition to this peculiarity it must be mentioned that it only deserves the name of a river, or rather stream, at one time of the year, during the rainy months on the high tablelands of the Andes chain.

"It is due to this circumstance that the boundaries mentioned in the peace treaty are wanting in permanence and stability, while the expansion or curtailing of the territory which is under the jurisdiction of Chile and Peru is at the mercy of the whim of any wash-out.

"The River Sama, which waters the narrow valley of the same name, actually divides farms and estates; at one time separating the land belonging to the same owner and devoted to the same kind of crops; at another leaving houses on one side and the tilled land on the other, separating factories from their out-buildings and from the plantations, which are the sources of their activity and development.

"For instance, the Tomasiri Estate, one of the most important of the valley, has its sugar refining establishment at the north end of the river, its storage warehouses at the south and the plantations on both banks.

"The Coruca Estate, another of the largest and most valuable of Sama, is at present undivided and the co-proprietors are busy

endeavoring to ascertain whether the Tribunals of Chile or Peru will be called upon to decide the difficulties which may arise during the partition. Instances such as these could be multiplied.

"These circumstances, which would have no importance in case the whole valley were submitted to the jurisdiction of only one of the neighboring countries, will bring in their wake countless clashes between the Chilean and Peruvian authorities, on account of the policing, administering and taxing of the territory, and which will make it impossible to prevent smuggling even by the establishment of a strict and costly customs cordon.

"As a military and strategic line, the River and Gap of Sama are, owing to their very nature, absolutely inadequate, since they permit the quartering, side by side, of the troops of both countries, merely separated by the narrow bed of the river, which is dry during the greater part of the year or of little depth during the rainy season.

"From the industrial and agricultural standpoint of the valley, the present boundaries constitute an insuperable barrier to its legitimate development. The produce of its fields and its factories, which are beginning to be built and operated, upon being withdrawn from Chilean jurisdiction, will lose its natural centre of consumption which is Tacna, and will have to find, further afield and at considerable expense, other centres and markets where it will be ruined by competition. The produce of Sama is almost valueless unless it can count upon an open road to Tacna.

"Therefore this Head Office, in possession of all the necessary data and having consulted persons well-acquainted with these places, believes that a correction of these already-mentioned boundaries is absolutely indispensable."

NOTE: The above communication is included in the Report which Sr. Soffia presented to his government while Governor (Intendente) of Tacna in 1885.

Page 257.]

Sr. Javier Vial Solar, former Minister Plenipotentiary to Peru and who was stationed some time in Tacna as Judge of First Instance during the first years of Chilean occupation, wrote as follows in 1900:

"It has been said that the possession of Tacna and Arica was necessary for the security of the territory of Tarapacá, whose natural line of defence and strategic frontier lie in the valleys watered by the Caplina and Azapa. But on what foundation does this assertion rest?

"These short and narrow valleys, separated from the Camarones Gap by more than forty leagues of desert, without a single watershed, where no oasis relieves its frightful solitude, make it difficult to understand how they could constitute the safety and defence of Chilean territory, as has been declared on more than one occasion, probably without ever having so much as glanced at a map of these localities.

"The error of such an assertion was very practically demonstrated when the Peruvian-Bolivian army, isolated there during the late war, could neither help nor defend the Iquique forces, although it attempted to do so several times; neither could it receive assistance from Arequipa nor from any other quarter during the days which preceded the battle of Alto de la Alianza, being compelled to accept battle under penalty of perishing as though marooned on a blockaded island.

"The same would have happened to the large army of occupation which Chile had maintained there after that battle and which, notwithstanding the favorable conditions of its position, was at all times exposed to a surprise and to be cut off by the skirmishing parties under Pacheco Cespedes which came down from Tarata or issued from Sama, falling like a thunderbolt on our watchful outposts, engaging them in continual encounters which, at times, assumed very serious proportions.

"But why recall these circumstances and furnish these examples when the very observers of these conditions (the revolutionaries who rose against President Balmaceda) had managed to reach these positions, taking Arica in the rear and compelling Tacna, cut off from all hope of assistance, to surrender to the constitutional forces?

"A strategic frontier line must necessarily be such that, owing to the very nature and purpose of its expected service, it will furnish easy and rapid communication with the territory it is called upon to defend in case of war, while, at the same time, being difficult of access to the enemy, which is the very reverse of the case of Arica, which is indeed defended from the front by the fearsome Morro (Bluff) but easy of access through the neighboring creeks; while the same applies to Tacna, completely at the mercy of any attack, from the north and west, of forces advancing from Sama or proceeding from the Tarata Gap, as was the case during the war of '79.

"The provinces of Tacna and Arica, in the opinion of the public officials and of those military leaders who, in 1891, had occasion to study the problem of their nationalization and definite acquisition by Chile, no longer possessed at that time, due to natural causes superior to the will of man, the importance which, in earlier times, had been attributed to them." (Páginas Diplomáticas, p. 138.)

Page 261.]

Sr. Marcial Martinez, towards the end of 1910, wrote the following:

"Who says that Tacna has an agricultural future when its arid plains (pampas) shall have been irrigated? Its soil, indeed, is fertile, but to think of irrigation is an unsubstantial, a chimerical vision. From Spanish colonial times, irrigation has been attempted, but with no success. At the time when foreign commerce was

flourishing in Tacna, there is a record of various enterprises which were undertaken for the purpose of collecting the waters of distant rivers and lakes, but their promoters were compelled to abandon the business, because it was very soon apparent that the work would be extremely costly and productive of no practical results. I was myself a member of a Chilean company, and this cost me a few thousand pesos which might just as well have been thrown into the sea. I regret that our engineer's report is no longer available: it was heartrending. There must be at least ten surveys on the subject, which have all proved conclusively that the work in question cannot be successfully accomplished.

"As to its strategic importance whereby, according to the opinions of some military men, the Department of Tacna constitutes the key to Tarapacá, while Arica would be a harbor of refuge in case of a naval war, there is, in such opinions, *much more imagination than practical facts.*"

At the beginning of 1911 the Government of Chile sent General José Maria Bari to Tacna to report on the strategic possibilities of this territory, and I append an opinion which this officer expressed, and published, some time later, in the Santiago press.

"Chile and Peru, barely separated by the bed of a river (the Sama) or rather *by a conventional line which constitutes no natural impediment*, are in very peculiar circumstances from the point of view of the concentration of troops in the possible area of future operations, a concentration which it is imperative should be effected under conditions of absolute safety, and therefore carried out beyond the frontiers *with the possible danger of being surprised by enemy incursions.*"

Page 262.]

In its issue of January 26, 1910, *La Ley*, one of the papers of highest intellectual standing among the Chilean press, stated as follows:

"The agricultural, industrial and mining value of Tacna is absolutely nil. Radishes, cabbages, lettuce and tomatoes are its meagre crops, raised in small patches of watered ground, regular oases in this barren desolation, for which we are pouring out our millions and offering up the best of our native energies.

"The fantastic yields of forage, of 6 and 7 crops a year, which, in the south, have been described in almost lyrical terms by their Capuan apologists, are barely sufficient to feed about 400 head of cattle for half a month. The Government is well aware of the quantity of forage which is supplied for the army and police horses, and is, therefore, well qualified to corroborate our statement.

"The industrial life of Tacna consists of two cigarette factories and one for the manufacture of footwear, and these have but a small turnover.

"The mining industry is hardly more brilliant, since it is confined solely to the manufacture of a few tons of borax.

"For the purpose of maintaining our ascendancy in these localities, for the sole benefit of some government officials, we are squandering revenue by the handful, while persisting in a detestable policy of persecutions, and, were we to use the term 'inquisitorial' activity, we would not be exaggerating.

"It is incredible how Chileans and foreigners are being deceived alike, and made to believe that these deserts contain untold wealth, worthy of the covetousness of more than one American nation, for no other purpose than to interest the former by a display of international competition, worthy of Don Quixote. (i. e. apparent but unsubstantial).

"Tacna is doubtless not worth even the poorest of our departments; it possesses even no strategic importance in case of war, because all of us who have any knowledge whatsoever of military matters, are perfectly well aware that preponderance at sea constitutes at least 80 per cent of success in warlike operations; and all Chileans can rest assured that before a single Peruvian brigade starts south, Chile will already have an army of 50,000 men very close to the City of Kings (Lima).

"Let us not deceive ourselves; as matters stand in Tacna, the State will continue to squander fabulous sums, and the plebiscite, should it ever take place, will be to our disadvantage."

Page 265.]

The Chilean general, Jorge Boonen Rivera, who was a member of the Commission appointed by the Chilean Government, according to the Supreme Decree of the 7th of June, 1884, to explore the coast of Tarapacá, states as follows:

"The value of this valley (Camarones) as a strategic line is important, should it happen some day to be the definite boundary of the Republic. Due to its central position in respect to the other valleys and to the considerable distance which separates it from these, it *constitutes a defence* which, if manned in sufficient strength, would *adequately protect the province of Tarapacá against any invading force which might endeavor to attack from land.*

"As has been mentioned, the valley is provided with the necessary resources to maintain a numerous garrison, which might amount to even 1,000 or 1,500 men of the three arms, while the garrisons of Iquique and of the nitrate works could be eliminated, since the presence of this force alone would be *sufficient to ensure the absolute safety of the province in time of war.*

"This garrison should be stationed in Camarones, owing to its being the centre of the valley and on the road which any army would be compelled to take when advancing from the direction of the valleys of Azapa, Codpa or from Bolivia, via the Andes chain (Cordillera) with the intention of entering the province of Tarapacá, because at no other point would it find the necessary

stores and pack animals to accomplish the march—a bare 110 kilometres—which lie between it and Tana, its new objective.

“Therefore, to invade our lines, that attacking force would have to concentrate in the valley of Codpa, allowing the garrison at Camarones sufficient time for its detachments to fall back and choose new positions, at that point which would be more convenient from which to oppose the descent into the valley and to await reinforcements, which could not long delay in arriving.

“The enemy, owing to the scarcity of means of transportation in the district, would have to order his advance in small successive columns or send these along different routes converging on the valley; in any of these cases the garrison, protecting itself by hastily thrown up defences, *could successfully withstand a very numerically superior enemy force*, which would arrive exhausted by the fatigue of the long march, or whose columns might not debouch with the expected accuracy, thereby running the risk of being defeated in detail and prevented from assisting one another.

“If, through some unforeseen circumstance, the enemy should obtain possession of the upper portion of the valley and threaten Pisagua, the garrison—while maintaining its positions in Camarones with its retreat assured on Chiza and Tana, or through Esquiña to Tarapacá, in case it were compelled to fall back higher up—would still protect the province, since the enemy could not advance without first having defeated this force, which would prove to be a grave menace were it allowed to remain in the rear of his lines of communication.

“The same would be the case if, successfully assaulting the higher portion, he should threaten the line from the nitrate works to Tarapacá, since the garrison, retreating to the shore, which would furnish its line of retreat on Pisagua, would still be situated exactly as previously described.

“Finally, it is easy to appreciate the great advantage to a force, in possession of a valley whose geological formation is so unusual and *so well-adapted to provisional fortification*, of being in the fortunate situation to select the point at which it will be attacked and, as a consequence, of being able to quickly fortify its positions as it considers best suitable.

“As we have seen, the only road which can be used by an army whose objective is to seize the province of Tarapacá, is the direct road from Arica to Camarones, which is joined by that from Codpa to this latter (Camarones) and descends into the valley in front of the Rest House (Tambo) of the same name, because the others furnish no facilities whatever, are lacking in water, in fodder and lead into the valley at points both uncultivated and bare of resources.

“Should the enemy attempt an invasion through some of the Gaps in the Andes Range, (Cordillera) which are to be found south of Camarones, marching directly upon Iquique, Pisagua, La Noria and Agua Santa, the garrison of Camarones, quickly reinforced, could rise behind the enemy by means of a straight

march and, falling on his lines of communication, shut him up in Tarapacá and defeat him at leisure, with the additional advantage that a battle, however undecisive, would suffice to make him a prisoner.

"It is very evident, therefore, that such an operation would be too risky to be attempted by an enemy whenever any force is stationed at Camarones."

NOTE: "Estudio Topográfico y Estratégico sobre el Valle de Camarones" published in vol. XI of the "Anuario Hidrográfico de la Marina de Chile," p. 59 (Hydrographic Year Book of the Chilean Navy).

Nº 97

Testimonios de origen chileno que contradicen la teoría de que Chile necesita de Tacna y Arica por razones de carácter estratégico. (*J. M. Barreto: "El Problema Peruano-Chileno."* Tercera edicion. Lima, 1919, págs. 253, 254, 257, 258, 261-268.)

El ingeniero don Manuel J. Soffia, siendo Jefe Político de Tacna el año 1884, recibió encargo del Presidente Santa María de emitir su opinión, como representante de Chile en las provincias peruanas, sobre el tratado de Ancón, que acababa de ser promulgado por ese mandatario; y el señor Soffia, cumpliendo el encargo, decía al Ministro de su país en Lima, don Jovino Novoa, y al Jefe del Ejército de ocupación, almirante don Patricio Lynch, lo siguiente:

"Me bastaría insinuar ligeramente las dificultades internacionales, económicas y políticas a que da origen el río y quebrada de Sama, para que la clara inteligencia de U. S. se penetre de todo el alcance de dichos inconvenientes.

"El río de Sama, que en su origen lleva el nombre de Chaspaya y que recibe también el tributo de algunos afluentes, arrastra sus aguas por un lecho variable, que cambia en períodos cortos y caprichosos. A esta circunstancia se agrega que sólo puede dársele los honores de río, o más propiamente de riachuelo, en una parte del año, en los meses de las lluvias en la altiplanicie de la cordillera.

"De aquí resulta que el límite designado en el pacto de paz carece de estabilidad y fijeza, quedando a merced de los caprichos de un aluvión el extender o restringir el territorio que se halla bajo la jurisdicción de Chile o del Perú.

"El río de Sama, que riega el estrecho valle de su nombre, divide actualmente los fundos y propiedades, ora separando los terrenos de un mismo dueño y destinados al mismo género de sembríos; ora dejando las casas de un lado y las tierras de cultivo de otro; ora separando un establecimiento industrial de los edificios anexos al mismo establecimiento y de las plantaciones que son las fuentes alimentadoras de su movimiento y explotación.

"Así la hacienda 'Tomasiri,' una de las más importantes del valle, tiene su establecimiento de fabricación de azúcares en la

parte norte del río, sus bodegas en la parte sur y las plantaciones en ambas orillas.

"La hacienda de 'Coruca,' otra de las más extensas y valiosas de Sama, se halla actualmente indivisa y los comuneros discuten si son los tribunales de Chile o los del Perú los que hubieren de conocer en las dificultades que se suscitaren durante la partición. Y así como éstas, podrían multiplicarse las citas de casos análogos.

"De modo que estas circunstancias, que nada significarían si todo el valle estuviera sometido a la jurisdicción de uno solo de los países limítrofes, traerán consigo un sin número de conflictos entre las autoridades de Chile y del Perú, con motivo de la policía, administración e impuestos, haciendo imposible evitar los contrabandos, por más que se establezca un estricto y costoso cordón aduanero.

"Como línea militar y estratégica, el río y quebrada de Sama son por su naturaleza completamente inadecuados, desde que permiten tener las fuerzas de ambos países acantonadas unas al lado de otras y separadas sólo por el lecho angosto de un río, seco en la mayor parte del año, o por una corriente de escaso caudal en la época de las lluvias.

"Bajo el punto de vista de la industria y de la agricultura de ese valle, los límites actuales les imponen una valla insalvable a su legítimo desarrollo. Los productos de sus campos y de sus fábricas, que hoy comienzan a instalarse y ponerse en movimiento, sustraídos de la jurisdicción de Chile, perderán su centro natural de consumo, que es Tacna, para ir a buscar muy lejos, y mediante gastos considerables, plazas o mercados en los cuales serán vendidos por la competencia: los productos de Sama pierden casi por completo su valor si no tienen abierto el camino de Tacna.

"Por eso, esta Jefatura, en posesión de todos los datos necesarios y habiendo consultado a personas muy conocedoras de esas localidades, cree que es indispensable una rectificación de dichos límites."

NOTA: La nota anterior se halla publicada en la Memoria que el señor Soffia, siendo Intendente de Tacna en 1885, elevó a su Gobierno.

Don Javier Vial Solar, ex-Ministro Plenipotenciario en el Perú y que residió algún tiempo en Tacna como Juez de Letras, durante los primeros años de la ocupación chilena, escribía el año 1900:

"Se ha dicho que la posesión de Tacna y Arica era necesaria para la seguridad del territorio de Tarapacá que tenía en los valles regados por el Caplina y el Azapa su línea natural de defensa, su frontera estratégica. Pero, ¿en qué podría fundarse esta aserción?

"Separados aquellos estrechos y reducidos valles de la quebrada de Camarones por más de 40 leguas de desierto, sin una vertiente de agua, sin un oasis perdido en su espantosa soledad, era difícil comprender de qué suerte podrían ellos servir de seguridad y defensa del territorio chileno, como más de una vez se

había asegurado, pero probablemente sin haber dirigido una sola vez la mirada sobre la carta geográfica de dichos lugares.

“Contra tal aseveración protestaba el hecho de que el ejército peruano—boliviano, aislado allí durante la pasada guerra, ni pudo auxiliar o proteger, a pesar de que varias veces lo intentara, al ejército de Iquique, ni pudo recibir tampoco auxilio de Arequipa ni de parte alguna en los días que precedieron a la jornada del Alto de la Alianza, viéndose obligado a aceptar combate, so pena de perecer como dentro de una isla bloqueada.

“Igual cosa habría acontecido al numeroso ejército de ocupación que Chile había también mantenido allí después de aquella jornada, el cual, sin embargo de las condiciones favorables de su situación, siempre estuvo expuesto, a toda hora, a ser sorprendido y aislado por las ligeras partidas de Pacheco Céspedes que descendían desde Tarata o se desprendían del Sama y caían, como el rayo, sobre nuestras vigilantes avanzadas, librando con ellas repetidos combates que en alguna ocasión fueron de lamentables consecuencias.

“¿Pero, para qué recurrir a estos recuerdos y a estos ejemplos, si los mismos observadores de esta situación (los revolucionarios contra el Presidente Balmaceda) habían llegado allí, tomando a Arica por la espalda y obligando a Tacna sin esperanzas de socorro, a entregarse a las fuerzas constitucionales?

“Una línea estratégica de frontera debe ser, por la naturaleza y objeto de su servicio, la que tenga cómoda y rápida comunicación con el territorio que defienda en caso de guerra y no sea accesible al enemigo, al revés de lo que es Arica, defendida, es cierto, de frente por el espantajo del Morro, pero con fácil acceso por las caletas vecinas, y al revés también de lo que es Tacna, dominada completamente por el Norte y por el Oeste por cualesquiera fuerzas avanzadas desde el Sama o desprendidas de la quebrada de Tarata, como se vió durante la guerra del 79.

“Las provincias de Tacna y Arica, a la vista de aquellos funcionarios públicos y de aquellos jefes militares que el año 1891 tuvieron ocasión de estudiar el problema de su nacionalización y definitiva adquisición por Chile, habían dejado de tener en esa época, por causas naturales e independientes de la voluntad humana, la importancia que en tiempo anterior se les había supuesto.”

NOTA: “Páginas Diplomáticas,” pág. 138.

Don Marcial Martínez escribía a fines de 1910:

“No se diga que Tacna tiene un porvenir en la irrigación de sus pampas. Es verdad que el terreno es fértil; pero es un sueño, una quimera, el pensar en irrigarlo. Desde el tiempo de los españoles se intentó la irrigación, sin resultado. Cuando floreció el comercio extranjero en Tacna, hay memoria de varias empresas que se formaron para captar el agua de ríos y lagunas muy remotas; pero hubieron de abandonarse estos trabajos, porque se palpó que la obra era enormemente costosa y de éxito negativo. Yo

mismo formé parte de una empresa chilena, que me hizo gastar unos cuantos miles de pesos, tirados al mar. Siento no tener a la mano el informe de nuestros ingenieros, que fué deplorable. Habrá no menos de diez estudios sobre la materia, todos los que han producido el convencimiento de que no es hacedera la obra de que vengo hablando.

“Por lo que toca a la importancia estratégica, que, según algunos militares, constituye el departamento de Tacna en llave de Tarapacá, y Arica en puerto de refugio en una guerra marítima, hay en esas opiniones *mucho más de imaginario que de real.*”

A principios de 1911 el Gobierno de Chile envió a Tacna al general don José María Bari, con el encargo de estudiar la situación estratégica de este territorio, y he aquí algo de lo que ese jefe observó y publicó, poco después, en la prensa de Santiago:

“Chile y el Perú, separados únicamente por un lecho de río (el Sama) o, más bien *por una línea convencional que no forma obstáculo natural*, se hallan en situación muy particular bajo el punto de vista de la concentración de sus tropas en el teatro posible de futuras operaciones, concentración que exige sea operada bajo una seguridad absoluta y, por lo tanto, realizarse fuera de la frontera, *donde podría correrse el peligro de ser turbado por las incursiones del adversario.*”

En su número de 26 de enero de 1910, *La Ley*, uno de los órganos más intelectuales que ha tenido el periodismo chileno, decía:

“El valor agrícola, industrial y minero de Tacna es nulo. Rábanos, repollos, lechugas y tomates es lo único que se produce escasamente en algunos retazos de terreno regado, que son como los oasis de aquellos desoladores *peladeros*, por los cuales estamos arrojando nuestros millones y las mejores energías nacionales.

“Los forrajes fantásticos de seis y siete cortes al año, de que se ha venido a hablar al sur en lenguaje lírico por los pregoneros de Capua, apenas bastan para mantener durante 15 días unos 400 animales. El Gobierno sabe cuanta es la cantidad de forraje que se manda para las caballadas de la policía y del ejército, de manera que está en situación de comprobar nuestros datos.

“La vida industrial de Tacna está vinculada a dos fábricas de cigarrillos y a una de calzado, que llevan una marcha mezquina.

“No es más espléndida la industria minera, que se reduce a la simple explotación de unas cuantas toneladas de bórax.

“Para mantener nuestro predominio en aquellas regiones, sin más interés que la burocracia, desparramamos el dinero a manos llenas, y esplayamos una política odiosa de persecución, y si dijéramos de procedimientos inquisitoriales, no ponderaríamos.

“Es increíble cómo se engaña a Chile y al extranjero, haciéndoles creer que aquellos páramos encierran inmensos tesoros,

capaces de despertar la codicia de más de un país americano, para interesarle en este despliegue de competencia internacional, digna de Don Quijote.

“Tacna no vale acaso ni el más miserable de nuestros departamentos; no vale siquiera como situación estratégica, en caso de guerra, porque todos los que algo sabemos en cuestiones militares, estamos al corriente de que el dominio del mar constituye, por lo menos, el 80 por ciento del éxito en operaciones bélicas; y todos los chilenos podemos estar seguros de que antes de que se mueva una brigada peruana en camino del sur, ya Chile tendrá cerca de la ciudad de los Virreyes un ejército de 50,000 hombres.

“No nos hagamos ilusiones: como van las cosas en Tacna, el Estado seguirá dilapidando sumas fabulosas, y el plebiscito, si alguna vez se hace, nos será fatal.”

El general chileno don Jorge Boonen Rivera, quien formó parte de la comisión que por decreto supremo de 7 de junio de 1884 designó el Gobierno de la Moneda, para explorar el litoral de Tarapacá, ha dicho:

“La importancia de este valle (Camarones) como línea estratégica es grande, si algún día es límite definitivo de la República. Por su posición central respecto de los otros valles y por la gran distancia que lo separa de los vecinos *constituye un baluarte*, que fuertemente ocupado *podría defender por completo la provincia de Tarapacá de toda invasión que tratara de tomar el camino de tierra*.

“Como lo hemos dicho, el valle cuenta con los recursos necesarios para sostener una guarnición numerosa, que podría subir hasta mil o mil quinientos hombres de las tres armas, pudiéndose suprimir las guarniciones de Iquique y de las oficinas salitreras, pues bastaría la presencia de esta *sola fuerza para el completo resguardo de la provincia en tiempo de guerra*.

“Esta guarnición debería colocarse en Camarones, por ser el punto central del valle y el camino obligado de todo ejército que viniendo de los valles de Azapa, Codpa o de Bolivia, por la cordillera, trate de penetrar en la provincia de Tarapacá, porque en ningún otro punto encontraría los recursos necesarios en víveres y animales para poder soportar la jornada—nada más de 110 kilómetros—que lo separa de Tana, su nuevo objetivo.

“Ahora bien: para invadir nuestras líneas ese ejército tendría que concentrarse en el valle de Codpa, donde por consiguiente daría tiempo a la guarnición de Camarones para replegar sus destacamentos y situarse en el punto que estimase más conveniente para disputar la bajada al valle y esperar los refuerzos, que no podrían tardar en venirle.

“El enemigo, por la escasez de los medios de movilización que existen en esas comarcas, tendría que emprender su movimiento de avance en pequeñas columnas sucesivas o que tomar diferentes caminos, convergentes sobre el valle: en cualquiera de estos casos

la guarnición, ayudándose por trabajos de fortificación pasajera, *podría luchar con éxito contra un enemigo muy superior en número*, pues vendría rendido por la fatiga y la larga marcha que ha hecho, o bien sus columnas no desembocarían con la exactitud fijada y se expondrían a ser batidas en detalle y sin poderse ayudar unas a otras.

“Si por una circunstancia cualquiera el enemigo tomara posesión de la parte superior del valle y amenazara a Pisagua, la guarnición—manteniéndose en Camarones, con su retirada libre por Chiza y Tana, o por Esquiña, a Tarapacá, si se viera obligado a replegarse más arriba,—siempre cubriría la provincia, pues el enemigo no podría internarse sin destruir previamente esa fuerza, que sería un gran peligro para él, si la dejase a retaguardia sobre sus líneas de comunicación.

“Lo mismo sucedería si, tomando posesión de la parte superior, amenazara la línea de oficinas salitreras a Tarapacá, pues la guarnición, replegándose sobre la playa, en donde tendría su línea de retirada sobre Pisagua, se encontraría en las mismas circunstancias que exponemos más arriba.

“Finalmente, se comprenderá lo ventajoso que es para una tropa dueña de un valle de una formación geológica tan rara y *tan propia para la fortificación pasajera*, el poder elegir el punto en que se le ha de atacar, y, por consiguiente, fortificarlo rápidamente del modo que estime conveniente.

“Como se ha visto, el único camino que puede ser utilizado por un ejército que tenga por objeto de posesionarse de la provincia de Tarapacá es el directo de Arica a Camarones, que recibe el de Codpa a este último punto y que baja al valle frente al tambo del mismo nombre, pues los otros no presentan facilidades de ningún género, carecen de agua, forraje y bajan al valle en los puntos sin cultivo y que carecen de recursos.

“Si el enemigo emprendiese la invasión por alguno de los boquetes de la cordillera que se encuentran al sur de Camarones y marchase directamente sobre Iquique, Pisagua, La Noria y Agua Santa, la guarnición de Camarones, rápidamente reforzada, podría elevarse, por una marcha directa, sobre las espaldas del enemigo y caer sobre la línea de comunicaciones, encerrarlo en Tarapacá y batirlo cuando juzgase conveniente, teniendo además en cuenta que una batalla, por indecisa que fuera, bastaría para hacerlo prisionero.

“Como se ve, esta operación sería demasiado peligrosa para que pudiera ser intentada por el enemigo, si existe una fuerza cualquiera en Camarones.”

NOTA: “Estudio topográfico y estratégico, sobre el valle de Camarones” publicado en el tomo XI del Anuario Hidrográfico de la Marina de Chile, pág. 59.

No. 98

Dispatch from the American Minister in Santiago, Mr. Fletcher, dated November 14, 1911, dealing with the attitude of Chile relative to Tacna and Arica in that year. (Foreign Relations, 1913, p. 1210.)

No. 148.]

AMERICAN LEGATION,
Santiago, Chile, November 14, 1911.

SIR: I have the honor to report, in amplification of my telegram of the 9th instant, that Senador Walker Martinez presented on November 8 in the Senate a motion designed to provide representation in the Chilean Congress for the Provinces of Tacna and Arica.

As the Department is well aware, this territory, since the Treaty of Ancon, has remained under the administrative control of Chile, pending the plebiscite which should determine its definitive status, but has not sent representatives to the Chilean Congress.

The Senator prefaced the introduction of his motion by referring to the law of October 31, 1884, which, after creating of the territories of Tacna and Arica "a province of the Republic, provides that the laws of Chile shall rule in the new Province, and that its inhabitants shall enjoy the same guaranties secured by the Constitution to all inhabitants of the remainder of the Republic." He claimed that, far from denying, this law safeguarded the rights of the Chileans in Tacna and Arica to be represented and to elect their municipalities, and that if they had not enjoyed these rights heretofore it was because the secondary laws fixing number of Senators and Deputies had omitted the name of the new Province. He stated that this omission was a generous compliment to Peru in giving a conditional appearance to the occupation, and that it was a proper one as long as the period fixed by the treaty had not elapsed, but now that the ten years and more had passed, and it had not been possible to come to an agreement with Peru, it was proper for the Chilean Congress to act. Mr. Walker restated the Chilean position as to the plebiscite provided by the treaty, and recommended that Chile proceed, "with serene tranquillity," to incorporate in all respects the territories of Tacna and Arica into the national life. He believed this definite act would tend to bring nearer the reestablishment of

cordial relations with Peru. He then proposed the formal motion as an amendment to law No. 2453 of the 1st of February, 1911, which fixes the number of Senators and Deputies. The text of his speech and the press comments it called forth appear fully in the clippings which I forward in this mail.

No definite action seems to have been taken on the motion to incorporate the matter in the legislative program of the present session of Congress, without which no progress can be made. The press of all shades applauds the motion enthusiastically. Senator Walker is an Independent, and the Government has not yet given any indication as to its attitude. The legislative deadlock continues, owing to the obstruction of the Liberal minority, and unless some compromise political arrangement is made with the minority, it is doubtful if even this question which appeals strongly to all Chileans will be allowed to make any progress in Congress.

The Sub-Secretary for Foreign Affairs, speaking informally and confidentially of the Tacna-Arica situation, intimated that the present intendente, Sr. Maximo Lira, would probably be transferred to another post, possibly a diplomatic one; that General Solar had accomplished more in the few weeks he had been there than the intendente had in years; that the Walker motion was not designed to force Peru's hand, as Chile did not expect that any progress toward a settlement with Peru could be made while President Leguia remained in office.

In view of the delicacy of Chilean sensibilities I have been very guarded in all my references to this question, and have therefore not had occasion to hear an explicit statement of Chile's policy, but I gather from such casual conversations as I have had that their present intention is to take stronger and more radical measures to "Chileanize" these Provinces.

The headquarters of the first division have been removed from Iquique to Tacna, and from the activity displayed in erecting fortifications at Arica and barracks, etc., at Tacna it would seem evident that it is the Government's intention to use the troops there not only to guard against any sudden descent from Peru, but also as an instrument in the "Chileanization" of the district.

Many Peruvians have already left Tarapacá as a result of annoyances culminating in the Iquique riots last May, and a similar exodus is reported as in progress from Tacna and Arica. The resignation and return to Peru of Sr. Espejo, manager of the Peruvian Bank in Tacna, who, the Chilean papers say, was also Peruvian intendente of the Province and agent of the Bishop of Arequipa,

has attracted much comment. His leaving is thought to be due to an intimation from General Solar.

The general staff of the Chilean army leaves for Arica on the 15th, ostensibly for the purpose of examining military situation and deciding upon the distribution of garrisons.

Colonel Echavarría, a member of the staff, told me the other day they expected to be gone about three weeks. He offered to take Lieutenant Hammond, military attaché, with him on his next visit to the north, which he said would be shortly after his return from this trip. If the matter can be arranged simply and naturally, I shall send Mr. Hammond north on his return from the Argentine, as I feel somewhat handicapped by want of accurate information as to the situation, both political and military.

The opinion of the best informed of my colleagues is that, while Chile is very anxious to conclude this old matter, on the basis of her retention of the Provinces, she will not force the issue; that being in possession she feels secure, and will stand firmly on this possession until it shall be recognized diplomatically by Peru or challenged by force.

I have, etc.,

HENRY P. FLETCHER.

No. 99

Memorandum presented by the Ministry of Foreign Affairs of Peru to the governments which intervened in 1910, showing the dangers which threatened the preservation of peace. (Foreign Relations of the W. S., 1913, p. 1217.)

MEMORANDUM

No. 2.]

MINISTRY OF FOREIGN AFFAIRS.

Chile has made no halt in the series of provocations and abuses briefly outlined in this office's memorandum of the 23d of October last, which it found itself obliged and had the honor to submit to the illustrious Governments of the United States of America, the Argentine Republic, and Brazil.

On the contrary, anxious to draw Peru into an armed conflict which should afford it a propitious opportunity to bring about the country's total ruin, Chile has carried its measures of violence to an extreme, has willfully planned the commission of outrages and carried out the most unjust administrative acts, with the clear intention of wresting from us the dominion of the Provinces of Tacna and Arica in a wholly one-sided manner, which is all the more injurious, scandalous, and irritating as in consequence of these acts the sacred stipulations are ignored of the treaty of Ancon, which Chile seeks not to respect or fulfill or even bring to mind. Hardly had the vexatious acts terminated which I related in my previous memorandum when, on the 24th of October, there commenced in Antofagasta a boycott of the Peruvian business establishments and hostilities were committed on the persons of all the Peruvians residing at that port.

On the 24th of October the so-called Patriotic League, organized to the image and likeness of that in Iquique, in terrifying terms notified the most prominent and influential members of the Peruvian colony, such as Sr. Meneses Cornejo and others, of their expulsion, and they were immediately given notice to quit the place in the limited space of eight days (October 31); and all this in the presence and hearing of the authorities, who, when asked for guaranties for the lives, property, and freedom of residence of those whom it was sought to expel, pleaded the lack of sufficient forces to carry out their decisions should they be opposed to the objects of the league and its members.

On the 3d of November, General Solar, commander of the forces at Tacna, imposed upon the manager of the Bank of Tacna, the Peruvian citizen Sr. Artidoro Espejo, the closing of that institution without alleging any of the reasons for so doing than "the unsuitability to Chile of the existence of a Peruvian bank in the locality"; and, on the following day (the 4th), that chief carried out his threats by sending troops to the doors of the bank and closing the entry to or exit from same by all persons who were either engaged or wished to engage in business operations. Sr. Espejo called a meeting of the directors, and, rightly presuming that the outrage committed was directed principally to the elimination of his person, resigned his position as manager; without, however, appeasing the fury of the Chilean authorities, who almost simultaneously ordered him to leave the town in a very limited space of time, together with other influential Peruvians, such as the judicial agent, Sr. Enrique Zerga; the president of the Peruvian Benevolent Society, Sr. Carlos Vives, and several others.

On the same day (the 4th of November) the doors of the Peruvian Club were forcibly closed and on futile pretexts one or more of the houses of Peruvian families were even entered, thus violating the most sacred rights of the home.

On the 7th of November, as a result of a series of threats, which eventually overpowered the good will of Mr. Hudson, the English Consul in Iquique in charge of the Peruvian Consulate at that port, it was found necessary to order Sr. Garcia, the clerk of that Consulate, to leave the place.

On the 20th the injuries and outrages against the Peruvians in the town and in the nitrate districts were renewed under the direction of the famous Patriotic League, which preached the depriving of our fellow citizens of all work and brought about a strike to carry out their desires. Their pretension was, as usual, carried to the extreme of shouts and vociferations, calling for the expulsion of the Peruvian colony, which, in spite of its being honest, hardworking, and of proverbial usefulness which makes it preferable and preferred in all kinds of hard labor and in every kind of business, finds itself to-day excluded from both one and the other through the fear of those who require its services; abandoned to misery through the want of a daily wage and, consequently, constrained to leave for kinder and more hospitable regions, where its members will be treated as rational and free beings.

In speaking of this matter it is a crying shame that such a contradictory and inhuman system should, only in the case of Peru-

vians, seem to prevail in Chile. On the one hand they are deprived of work and their daily bread, and their expulsion is continuously the cry, while on the other hand, under the allegation that the nitrate industry can not be deprived of labor to the detriment of both owners and the State, the authorities by armed force stationed on the landing stages forcibly prevent their departure. What qualification, rationally and calmly speaking, can be given to such an absurd and contradictory state of things?

Latterly, after securing the permission of the Argentine Government, which expressed its satisfaction at the idea to our Minister in Buenos Aires, a plan was formed for an emigration of the Peruvians from Iquique to the farm ranches of Rio de la Plata, which, for reasons well known to all, require labor in harvest time; that emigration was to have begun on the 7th of October, when it was prevented by the authorities in the forcible and violent manner I have just described.

II

Conjointly with these measures, which we may qualify as fortuitous, in spite of their exceeding gravity, Chile has set on foot other extraordinary and scandalously aggressive measures against the rights of our nation which signify the disregard of our sovereignty, the violation of solemn treaties in full effect, and the most flagrant heedlessness of the principles, practices, and laws sanctioned by international law.

On the 8th of November Senator Walker Martinez submitted to the Senate a project of law authorizing the Provinces of Tacna and Arica to hold elections for Senators and Deputies, and municipalities; as if those Provinces were not simply occupied by Chile under the treaty of Ancon, and as if it were dealing with parts of the country already definitely incorporated in the nationality, territory, and sovereignty of Chile. Such willful extralimitary action, in which is to be discerned the secret desire to generate a new and inevitable conflict, considers the fate decided and the annexation as resolved upon of portions of territory historically Peruvian, in which the stipulated plebiscite has not yet been held that is to determine their final condition and the legitimate dominion, and places in evidence the deepest contempt for the faith pledged in treaties and the most striking violation of the duties imposed by the law of nations.

States so respectable and civilized, so just and straightforward, as those to which this memorandum is addressed require no explanations on this topic nor comments which would offend their

eminent wisdom. The simple enumeration of such an international absurdity is sufficient to merit their verdict of condemnation and evoke the attitude in keeping with their greatness.

The project of Senator Walker Martinez would in itself really matter very little to Peru; for every man has a right to think, wish, and propose according to his own opinions, aspirations, and interests; but the extremely grave and injurious point of the project is that it should be openly patronized by the Government of Chile. Indeed, the Chilean Council of State, in a session presided over by His Excellency Sr. Barrios Luco himself, the President of that country, decided on the 15th of November instant to include the project in the matters to be submitted for discussion during the present extra session of Congress; on which account it is to be feared that very soon the legislative power of our southern neighbor will sanction it as a law, thus consummating the outrage planned by the measure and legalizing the iniquity which the project in each and every one of its clauses embodies.

A few days ago the director of the irrigation of the Valley of Tacna, Sr. M. Belaunde, a Peruvian citizen, was summoned by the above-mentioned General Solar to appear before him, and was by him obliged peremptorily and under threats to sign his resignation, being replaced in that post, which is filled according to Chilean law by election and by virtue of which he was elected, by a Chilean employee directly appointed by that chief. One would at first imagine that such an outrageous usurpation of functions was the result of a personal display of furious hatred of Peru, which inspires the acts of all the Chilean officials. But it is not so. There is at the bottom of it all another plan, aggressive and striking, like the rest. On that same day, the 15th of November, the Government of Chile presented to the extra session of Congress another project for the granting of gratifications to the soldiers, subofficers, and revenue officers, etc., in Tacna and Arica, which gratifications are to be expressly expended in the acquisition by the grantees of country farms in both Provinces; and it can not otherwise be presumed, given the information in possession of this office, than that the forced resignation of the director of irrigation, Sr. Belaunde, and his illegal substitution by a Chilean employee, are directed to the obtaining of the administration of water at their discretion, and the cessation of the present irrigation concessions; in a word, the object being to commit hostilities on the Peruvian agricultural population, who impeded in cultivation in every way, and through the ruin of their interests, will find themselves in the dire necessity

either of promising to vote for Chile in the projected one-sided plebiscite or parting with their small property holdings, selling them at infamous prices to Chilean buyers, who later will invoke their new conditions of property holders in order to claim direct participation in the holding of the plebiscite.

The same is the object of the last decree, issued on the 21st of November, which establishes that all those who were born in Tacna and Arica after 1885 are subject to the Chilean law concerning recruits and conscription of the 5th of September, 1900; that they are in consequence to be called out for military service in the Chilean Army, and are consequently obliged to matriculate in the conscription lists, which matriculation is to be effected in the first 15 days of January, 1912. To this end General Solar, on the date above mentioned, has written to the offices of the civil register requesting a list of those born between 1885 and 1911; and General Arancibia, according to advice received from Sr. Holder Freyre, our governor at Ticaco, which is on the frontier, has been in Tarata since the beginning of November (the 9th) on a like mission in connection with the civil registers' offices of that place.

It is natural to suppose, in the face of this decision of the Government of Chile, when strictly carried out by the subaltern authorities, that all the young Peruvians thus threatened with being made Chilean conscripts will, in their unswerving and conspicuous patriotism, have to choose voluntary expatriation rather than the possibility of entering into a service so opposed to their dignity as men and the sentiments of loyalty to the country of their birth; and then when their emigration is consummated and the two Provinces are stripped of all the Peruvian element, conscious of their rights and competent to vote, we shall see the Chilean Government mockingly invite Peru to hold the plebiscite which ought to have been held 17 years ago and which Chile has indefinitely postponed under a thousand pretexts until it finds, as a result of this series of violent and scandalous measures, the Chilean element there predominant, as if Peru—who well knows that the Peruvians of Tacna and Arica are the only ones who ought to choose their nationality in the postponed plebiscite, and not the Chileans who have nothing to decide with regard to a nationality which they possess *ab origine*—could accept solutions prepared in a cold-blooded manner to their detriment, the formula of which is seen to have been resolved upon beforehand, ignoring all mutual agreement, with complete disregard for our right and scorn for the most rudimentary justice.

Our agents in Germany have opportunely informed us of a very recent and large order for warlike elements, which Chile has given to that country, and have drawn our attention to the eloquent circumstances that this order was and continues to be called for with a condition of supreme urgency.

In Arica, Tacna, and Tarata there remain the 7,000 men which our gratuitous and pertinacious enemy concentrated there under the pretext of military maneuvers; and we are in possession of trustworthy information of an early, successive, and secret concentration in the same region of up to 50,000 men; all of which information, like the foregoing, go to prove without a shadow of a doubt that a plan is to be executed in the near future with the purpose of causing fresh ruin or a fresh outrage on the Republic of Peru.

We are well aware as to the nature of this plan, but the Peruvian Foreign Office refrains from presenting it at present in all its nakedness and repugnancy, since its desire is that the present document shall be submitted as based, not on mere conjectures but on solid facts.

III

As will be seen from all the foregoing, the situation between Peru and Chile appears to be daily growing in gravity, and the imminence of a contest on the coasts of the South Pacific more certain.

If the conditions of the presumptive combatants were those of approximate equality, the abstention of the great powers of the continent would be a natural event, inclined as they naturally are to a customary neutrality. But the enormous inequality of the land and naval forces of the two countries—Chile, the stronger of the two, having the further advantage of an alliance, either tacit or explicit, with all those with whom Peru has unsettled boundary questions: an alliance directed to the polonization ["polonización" in the original] and ruin of Peru—gives this interminable international contest the character of spoliation—without risk, counterpoise or danger—comparable to those murders which penal science calls *qualified* and which are committed in *cold blood* and *without the possibility of defense*.

Peru, with great faith in the reality and efficacy of international law, places its trust in the great nations which, exercising their noble and altruistic purposes, mediated in its conflict with Ecuador at the mere sign of a rupture; and trusts that they will now adopt like action in this case in order to prevent Peru—out of

pure malevolence and pride, for the sake of the display of a might born of and supported with the spoils taken from the vanquished—from being bled and mutilated in the presence and with the knowledge of the civilized world, only because it has committed the strange and horrible crime of refusing to allow that spoliation to be amplified and extended with its own consent and in flagrant violation of the laws and obligations by which the conqueror spontaneously bound himself to abide in a solemn treaty concluded without the slightest indication of error, violence, or deceit—defects which it is impossible to suppose existed in the conqueror, who at the time the treaty was signed was not only well aware of their meaning, but was strong and powerful by reason of his victory.

No. 100

A. Cañas Pinochet: "Descripción General del Departamento de Pisagua," Iquique, 1884. (Declaration of a Chilean geographer that the Camarones Gap is the natural defensive line of Tarapacá, p. 70.)

The Camarones Gap is the natural defence, rendered impassable at the cost of a little labor—which the territory of Tarapacá possesses to the north.

This deep fissure, whose precipitous sides are strewn with sharp, craggy rocks, can, even to-day, hardly be crossed at any point except by following the trail of narrow paths, barely wide enough to admit the passage of a mount, and that at the risk of falling headlong and landing in fragments at the bottom of this frightful abyss.

Were these passages blocked by an easily constructed trench, or by placing one of the rocks across the path, Tarapacá would thus be isolated from the country to the north and protected from any invasion.

Nº 100

A. Cañas Pinochet: "Descripción General del Departamento de Pisagua," Iquique, 1884. (Afirmación de un geógrafo chileno de que la quebrada de Camarones es la defensa natural de Tarapacá, pág. 70.)

La quebrada de Camarones es la defensa natural i a poco trabajo infranqueable que tiene por el norte el territorio de Tarapacá.

Ese profundo corte, de flancos escarpadisimos, tapizados de ásperas rocas, apenas si hoy puede ser atravesado por otra parte que siguiendo la huella de estrechos senderos que dan paso cuando mas a una bestia, no sin peligro de despeñarse i caer convertido en polvo en el fondo de aquella honda cima.

Cegados esos senderos por una fácil zanja o por la colocacion de uno de los pedruscos del lado del camino, Tarapacá quedaria asi aislado del territorio del norte i al abrigo de cualquiera invasión.

No. 101

Memorandum of the Minister of Foreign Affairs of Peru, October 23, 1911, recounting the incidents which occurred in Iquique in May of that year, and calling attention to the efforts of Chile to provoke a conflict. (Foreign Relations of the U. S., 1913, p. 1208.)

MEMORANDUM

After the long series of hostilities carried out in Tacna and Arica against the Peruvian customhouse agents, carters, workmen, professors, teachers, and village priests with the object of obliging them to abandon those Provinces and so reducing a great number of the votes which Peru would have been able to count on upon the carrying out of the plebiscite stipulated in the treaty of Ancon, the Chilean populace of Iquique held a meeting on the 27th of May last expressly directed against the Peruvian element still residing in that port. A number of outrages were committed on the Peruvians, including the destruction and looting of commercial establishments, newspaper offices, and the Peruvian Club and social centers, the destruction of the shield of the Consulate, the ill treatment of many of our fellow citizens, and threats against the person of the Peruvian Consul, Sr. Forero, who was obliged to take refuge, first, in the American Consulate, then in the British Consulate, and finally to return to his own country, in order to avoid greater complications which might have brought about a disastrous conflict. These offenses were the more outrageous because uncalled for, as it is well known that neither Peru nor any of its citizens had given any pretext whatever for their perpetration nor can any other explanation be given for them than the design to prosecute [provoke?] on the part of our country retaliation on which to base aggression. The state of things to which Chile tenaciously and unjustly seeks to drag us is the desire of checking our recovery and rendering the peace of the country and its progress for a long time impossible; and this opposition, far from being imaginary, is confirmed by later events, for on the 18th of July another meeting was held in Tacna on the pretext of demonstrating the adhesion which was considered necessary to the conclusions drawn up at the meeting held in Iquique, and thus without cause or explainable motive gave rise to the horrible, con-

temptible outrages and crimes of May last, when, amid the savage fury of the Chilean mobs, complete destruction was visited upon the newspaper offices, clubs, places of business of our fellow citizens in those parts, causing them, as in Iquique, to begin to emigrate in large numbers in consequence of finding themselves deprived of peace and protection in their own land.

Happily, the good common sense of our people, in spite of the painful news received of these events, avoided any kind of hostile demonstration toward Chile, frustrating the sinister plans of that country, in whose interest it is to drag us into an armed conflict the result of which is only too obvious, considering that country's undeniable superiority.

Shortly afterwards news came of the invasion of our territory and of a probably unjustifiable occupation of Peruvian territory on the border (Ticaco), a scandalous act which was not consummated, thanks to the opportuneness of the intervention which the Governments of the United States of America, the Argentine Republic, and Brazil interposed, which made Chile aware of the previous discovery of those disgraceful plans.

Chilean forces a short time ago furtively and by surprise established themselves in the little village of Conchachire, situated on the left bank of the River Maure, completely outside of the jurisdiction of the Provinces of Tacna and Arica and even of that of Tarata, and hence unjustifiably occupied by Chile.

This village, on account of its being on the left bank of the river, belongs to the Province of Chucuito, in the Department of Puno, whose boundary on the west is the said River Maure.

This last occurrence serves to show that in their desire to injure and provoke Peru there is nothing that is respected nor worthy of respect by the insatiability and fury of the Chilean Government. Lastly, within the last few days, taking as their pretext a falsified version of a speech delivered by the President of Peru at a meeting organized by the exiled Peruvians from the Provinces of the south, who are now resident in Lima and Callao, wherein he recognized the necessity of providing for the national defenses, and inventing the report that our country had acquired the old French battleship *Jeanne d'Arc*, the Chilean press has carried to an extreme its call for war against Peru and has widened the district of operations and the number of its forces in military maneuvers carried on on the Peruvian boundary line. It has decreed the acquisition of new naval units and even large military supplies, and has decided to carry this almost warlike demonstration to such a point on our

frontier line that its forces will probably cover territory and localities which are indisputably ours, and again bring about a fresh provocation, the consequences of which it may prove very difficult for Peru to overcome. In this situation and as the patience of our people can not be eternal, now tired of innumerable outrages, the peace of America is threatened by a country that has resolved upon our ruin, after having in 1879 treacherously assaulted and impoverished our country and mutilated its territory, denied all justice and right by us to the point of indefinitely postponing the fulfillment of solemn agreements which should have been effected since 1893. In a condition when might becomes the only right and abuse the only national resort, when the continent is scandalized and disturbed at sight of such unjustifiable and unprovoked insult, all of which is aggravated by the attitude which, at the instance of Chile, Ecuador, Colombia and Bolivia are now assuming in their boundary disputes with our country, and in view of the alarming coincidents of the last mentioned of these countries, carrying out simultaneously with Chile extraordinary military maneuvers which take place on our frontier, this government can not but address itself to the highly civilized and powerful nations who have honored it with friendly mediation in our conflict with Ecuador in order that they may apprise their respective governments of the facts here narrated, and call their attention to the dangerous situation prevailing in this part of America, in order that they may contemplate the storm which is threatening these nations to the detriment of peace and to the discredit of the civilization of the continent, and in order that they may in their greatness and wisdom at once ward off the danger by all the means in their power.

FOREIGN OFFICE, *Lima*, October 23, 1911.

Speech of the Chilean Delegate to the First Pan-American Conference of Washington, 1889, assailing obligatory arbitration.
(Pan American Congress Reports, 1889, vol. 2, p. 972.)

We, the undersigned delegates from Chili, have examined the report on arbitration submitted by the Committee of General Welfare with all the attention that a matter so grave and delicate requires.

The main purpose of this paper precludes us from entering into any particular discussion of the nineteen articles of the report; but the consideration of the fundamental idea established in it as the basis of the whole project, namely, that arbitration be recognized as obligatory, and be stipulated in a public treaty as the only means for settling conflicts, or contentions which may arise, or exist, among the American nations, irrespective of their causes, or circumstances, excepting only those questions which affect the national independence, has led us to the conviction that the conclusion of the treaty which the Committee of General Welfare recommends would produce, if carried into effect, more difficulties, and more pernicious results, than those which it proposes to obviate or avoid. And those results would indeed weaken, and in the end would destroy, the efficiency of the system the strengthening of which is desired, and whose efficiency and authority, when timely resorted to, all the nations are interested to preserve.

* * * * *

Arbitration being recognized, as it is, as a principle of international law, can not by any means become a guaranty of peace if its application does not correspond to its nature.

Its origin is the voluntary and free assent of the nations which find themselves in disagreement to trust to a third party the ascertainment and adjudication of their rights and interests; and its efficiency depends upon the respect, also voluntary, to be paid to its decisions, whatever be the obligations and sacrifices which it may impose. If arbitration is obligatory its own nature is thereby antagonized, and the moment it is forced upon the nations its decisions will lose their efficiency and the goodness of the principle itself will become discredited.

We, the delegates from Chili, do therefore declare that while we recognize as an absolute proposition the excellence of the principle of arbitration, we do not accept it as unconditional and obligatory. The Government of the Republic will in the future, as it has done in the past, resort to arbitration for the settlement of international conflicts or difficulties in which it may be involved whenever in its judgment the controversy or question may admit of such settlement.

* * * * *

Therefore we, the undersigned delegates from Chili, do hereby declare that we abstain from discussing or voting this project, and ask that this paper should be appended to the minutes, as provided by the rules and the practice of this Conference.

E. C. VARAS.

J. ALFONSO.

WASHINGTON, *April* 14, 1890.

Speech of the Peruvian Delegate in favor of the proposal for arbitration. (Pan American Congress, Reports, 1889, vol. 2, p. 1003.)

Sr. ZEGARRA. Mr. President, before the plan is put to the vote as a whole, and far from any desire to re-open the debate, but with a view of establishing the reasons for the vote of the Peruvian delegation upon this interesting subject, I take the liberty of asking the attention of my honorable colleagues.

It is well known by the honorable Conference that on the 15th of January of the present year the Argentine and Brazilian delegations submitted to the consideration of the Conference a plan of arbitration. This plan, Mr. President, from the very beginning, merited the approbation of the Peruvian delegation because it determined not only the essential conditions of arbitration, but it laid down certain important principles, the scope of which was not and could not be other than a mutual pledge of nations to nations in America that the determination to open up for our beautiful continent a new era of true cordiality and fraternity was serious, was well-founded, was substantial.

To the Peruvian delegation, the bond between these two parts of the project to which I refer was necessary, so much so, indeed, that although a positive dependence of one part upon the other could not be established, they were nevertheless complements, and together contributed to reciprocal solidity.

The honorable Committee on General Welfare, for motives which I respect, has seen fit, in treating this important project, to separate the two parts which composed it. Thus a special report appears referring only to the more direct conditions of arbitration, while another complementary report takes into consideration the other articles proposed by the delegations mentioned.

Considering the high standard which from the beginning was given by the Peruvian delegation to the articles in which new principles of American law were laid down, all the details of this question are almost of secondary importance.

For this reason, Mr. President, the speaker will not follow the critical analysis made by the delegate from Mexico, since he is not convinced, as perhaps other delegates are not, that the work presented to us is absolutely without imperfections.

We have just heard the eloquent exposition of motives made by

the delegate from Guatemala, a member of that committee. This saves me much time, and I am glad to be able to save that of the Conference. Nor can I follow the argument made by the honorable delegate from Chili, because of the courtesy due him, and because I have no right to drag him from the sheltering reserve in which he has ensconced himself by positively abstaining from participation in the debate, nor should I consider one or any of the objections he has made in his remarks in the premises. My object, Mr. President, is simply to declare, as I now do, that the recommendation which the delegation from Peru will make to its government respecting this most important subject will be a welding of the two reports—that upon the plan of arbitration and that upon the condemnation of conquest—which are pending in this Conference, not considering exactly as dependent the one upon the other, but as complementary and connected. The objection which has been made that the arbitration recommended is devoid of all sanction does not do away with this. If it does not find sanction, perhaps the best thing to be done is to approve the articles to which I have referred, which establish certain principles by virtue of which, in the estimation of all the Republics of America, acts consummated as against the fixed rules laid down for the exercise of arbitration shall be invalid and illegal, as these rules are set forth in the second, seventh, and eighth articles of the plan presented by the Argentine and Brazilian delegations.

I know, and undoubtedly my honorable colleagues also know, the story of arbitration in America. I am not blind to the fact, gentlemen, that sometimes it has been impossible to resort to arbitration when it was most needed. Neither do I ignore that it may have been inefficient to counteract the excesses of ambition or the spurs of envy, but this is not a reason for us to abandon finally principles so elevated and so full of hope for the future.

To the mind of the delegation from Peru, in addition to the principles referred to, the most positive sanction is national faith bound up in a solemn compact. I could give living proofs of the extreme to which my country carries its respect for its promises, and I have the honor, in the name of my government, to believe that in all the sister Republics tribute is rendered to the sanctity of compacts.

The Peruvian delegation, therefore, accompanies its colleagues with its signature, approving the plan for the peace of America in the terms designated. If it should err in presenting its recommendation to the government of its country it will ever have the just pride of having been associated with so numerous and honorable a company.

No. 104

Amendment for the elimination from American Public Law of conquests and territorial annexations, and the vote on the final amendment. (Pan American Congress, Reports, 1889, vol. 2, pp. 1122, 1123, 1128, 1145, 1146 and 1147.)

SUPPLEMENTARY REPORT OF THE COMMITTEE ON GENERAL
WELFARE

Whereas there is in America no territory which can be deemed *res nullius*; and

Whereas, in view of this, a war of conquest of one American nation against another would constitute a clearly unjustifiable act of violence and spoliation; and

Whereas the possibility of aggressions upon national territory would inevitably involve a recourse to the ruinous system of war armaments in time of peace; and

Whereas the Conference feels that it would fall short of the most exalted conception of its mission were it to abstain from embodying its pacific and fraternal sentiments in declarations tending to promote national stability, and guarantee just international relations among the nations of the continent:

Be it therefore resolved by the International American Conference, That it earnestly recommends to the governments therein represented the adoption of the following declarations:

First. That the principle of conquest shall never hereafter be recognized as admissible under American public law.

Second. That all cessions of territory made subsequent to the present declarations shall be absolutely void if made under threats of war or the presence of an armed force.

Third. Any nation from which such cessions shall have been exacted may always demand that the question of the validity of the cessions so made shall be submitted to arbitration.

Fourth. Any renunciation of the right to have recourse to arbitration shall be null and void whatever the time, circumstances, and conditions under which such renunciation shall have been made.

MANUEL QUINTANA.

JUAN FRANCISCO VELARDE.

N. BOLET PERAZA.

The delegations from Colombia, Brazil, and Guatemala approve the preamble and the first article or declaration of the resolutions.

J. M. HURTADO.

J. G. DO AMARAL VALENTE.

FERNANDO CRUZ.

DISCUSSION

Session of April 18, 1890

The PRESIDENT. The supplementary report is before the Conference.

Sr. VARAS. The Chilian delegation, Mr. President, as a consequence of the declaration it has already made in connection with the general plan of arbitration, abstains from entering into the consideration of or taking part in the discussion and vote on this plan.

* * * * *

Sr. ZEGARRA. Mr. President, Honorable Delegates: When the delegation of Peru gave its vote in favor of the general scheme of the plan of arbitration formulated by the Committee on General Welfare, it expressed with all clearness what was the scope of its vote. I recalled, in that connection, the principles of international American law submitted and sustained by the delegations of the Argentine Republic and the United States of Brazil as long ago as the 15th of last January, and I stated that, like them, I also considered those principles as an inseparable corollary of the plan of arbitration, destined to banish forever armed contests among the republics of the new continent.

* * * * *

Mr. BLAINE. Mr. President, I am very happy to announce that any vital difference upon any question connected with the scheme of arbitration, which an hour ago might have been feared, is, I hope, entirely removed, and the resolutions of the honorable gentlemen have been simply changed from being in perpetuity to running at even dates with the treaty of arbitration; so that they stand and fall together. They are born together, and they will die together. But we shall hope that the lives of both will be perpetual. [Applause.]

I shall read the articles, and as I read each one the honorable delegate opposite me, the distinguished gentleman from Guatemala (Sr. Cruz), will read the Spanish:

First. That the principle of conquest shall not, during the con-

tinuance of the treaty of arbitration, be recognized as admissible under American public law.

Second. That all cessions of territory made during the continuance of the Treaty of Arbitration, shall be void if made under threats of war or in the presence of an armed force.

Third. Any nation from which such cessions shall be exacted may demand that the validity of the cessions so made shall be submitted to arbitration.

Fourth. Any renunciation of the right to arbitration, made under the conditions named in the second section shall be null and void.

* * * * *

(The roll-call resulted in the unanimous adoption of the substitute.)

The PRESIDENT. The vote is unanimous, with the single abstention of Chili. The amendment is, therefore, agreed to finally. The agreement also is that the preamble need not be submitted to a vote. The Chair submitted the vote as to substituting this for the original and did not call the states on that; it being a subordinate motion it did not require that.

Instruction from the Minister of Foreign Affairs of Chile to the Chilean Minister in Washington relative to the restrictions in the program of the Conference of Mexico. (Report of the Ministry of Foreign Affairs of Chile, 1901, p. 68.)

SANTIAGO, *October 1, 1900.*

Practical results cannot really be expected from an assembly that assumes to extend its labors to so many, so varied and so important matters. If there is but little trust in the success of international congresses, even when they undertake the study of a single question and an exclusive matter (and experience in these late years unfortunately justifies such skepticism), how much more reasonable is it to doubt of the success of a congress which undertakes to consider all problems regarding the invited countries' politics and finance, arbitration and patent marks, monetary system and weights and measures, legislation and railways, postal, telegraph and custom-house services.

* * * * *

Nevertheless, the idea of attaining absolute, unrestrained and universal arbitration, under the present conditions of international relations all over the world, looks like a simple Utopia, a subject proper for academic discussions, not yet ripe and at times inopportune in international conferences, especially when, as it happened in that of Washington, the pretension is reached of adopting resolutions of a *retroactive* character, which is altogether inadmissible and even vexatious. I, therefore, maintain that as the proposed conference is intended to yield practical results, and not merely illusory aspirations without any effect, it is absolutely necessary to avoid all discussions which, instead of facilitating agreements and the preservation of harmony, will, on the contrary, produce strained relations and displeasure among the nations invited.

* * * * *

It would, therefore, be most desirable that the executive committee of the American republics should frankly and precisely define some of the subjects so vaguely included in its tentative program. Otherwise, nothing else would satisfy the Government of Chile, nothing else would insure its tranquillity, nothing else

would induce it finally to accept the invitation to the conference—
 an invitation which it so sincerely wishes to be enabled to accept—
*than the inclusion in the program of the conference of a decisive and
 unequivocal proviso previously establishing that no subjects can be
 brought under discussion, no resolutions can be adopted, and no
 agreements can be concluded against which a delegate of any of the
 republics may have raised an objection.* This previous stipulation
 would satisfy the legitimate wishes of my government, and would
 dispel the fears of the possible occurrence of disagreements which
 we are all in duty bound to prevent.

* * * * *

RAFAEL ERRAZURIZ URMENETA.

Nº 105

**Nota del Ministro de Relaciones Exteriores de Chile a su Ministro
 en Washington sobre restricciones al programa de la Con-
 ferencia de México.** (Memoria de Relaciones Exteriores de
 Chile de 1901, pág. 68.)

SANTIAGO, 1º de octubre de 1900.

* * * * *

Realmente no pueden esperarse resultados prácticos de una
 Asamblea que pretenda abarcar en sus estudios tantos, tan diversos
 i tan graves asuntos.

Si se desconfía ya del éxito de los Congresos Internacionales,
 aun de aquellos que se proponen estudiar una sola cuestion i
 una materia esclusiva (i desgraciadamente la esperiencia de los
 últimos años autoriza este escepticismo), ¿con cuánta mayor
 razon no será lícito dudar del éxito de un Congreso que se pro-
 pone estudiar cuanto problema interesa a los Estados invitados:
 política i finanzas; arbitraje i marcas de fábrica; sistema mone-
 tario; pesos i medidas; lejislacion i ferrocarriles; correos, telé-
 grafos i aduanas?

* * * * *

Sin embargo, dado el estado actual de las relaciones inter-
 nacionales en el mundo entero, la idea de llegar al arbitraje uni-
 versal, absoluto i sin restricciones, parece una simple utopia,
 destinada a discutirse en las academias, pero prematura aun; i a
 veces inoportuna en los Congresos Internacionales, mucho mas
 si llegara a pretenderse, como sucedió en la Conferencia de Wásh-
 ington, adoptar resoluciones de carácter retroactivo, lo que llega
 a ser de todo punto inadmisible i hasta irritante.

Insisto, pues, en que si se desea obtener de la proyectada Conferencia resultados prácticos i no meras aspiraciones ilusorias que no alcanzarán a realizarse, es necesario evitar toda discusion que en vez de facilitar acuerdos i la buena armonía, produzca, por el contrario, tirantez i desagrado entre las naciones invitadas.

* * * * *

Mui de desear seria, pues, que el Comité Ejecutivo de las Repúblicas Americanas modificara i concretara de una manera franca i precisa algunos de los puntos que con tanta latitud abarca el proyecto de programa que ha elaborado.

De otra suerte, lo único que satisfaria al Gobierno de Chile i lo único, que dejándole bien tranquilo, le induciria a aceptar definitivamente la invitacion al Congreso como con toda sinceridad desea, seria la introduccion en el programa de la Conferencia de una disposicion terminante i clara mediante la cual quedase establecido, desde luego, que no podrá ponerse en discusion materia alguna, ni mucho ménos celebrarse acuerdos, siempre que un Delegado de cualesquiera de las Repúblicas pusiera obstáculo a dicha materia o acuerdo.

Con esta previa estipulacion quedarian consultados los lejitimos deseos de mi Gobierno i eliminados los temores de posibles desavenencias que todos estamos en el deber de prevenir.

* * * * *

RAFAEL ERRÁZURIZ URMENETA.

No. 106

Letter from the Minister of Chile in Washington to the Director of the Bureau of the American Republics, April 30, 1901. (Report of the Ministry of Foreign Affairs of Chile, 1901, p. 78.)

LEGACION DE CHILE,
Washington, April 30, 1901.

Mr. DIRECTOR: On May 26, 1900, you addressed to me the following circular letter:

"Mr. MINISTER: By direction of the Executive Committee of the International Union of American Republics I have the honor to transmit to you herewith a copy of the tentative program of the proposed International American Conference, prepared by the executive committee in pursuance of the resolution adopted at the informal meeting of the diplomatic representatives of the countries of the Union, held at this bureau on the 14th of April, 1900.

"Pursuant to the terms of said resolution, the inclosed program is to be submitted to the various governments of the Union for their consideration and any suggestions they may see fit to make.

"I have the honor to be, Mr. Minister, your obedient servant,
"W. W. ROCKHILL, *Director.*"

The tentative program of the proposed International American Conference forwarded with this circular letter consisted of five items, as follows:

"First. Points studied by the previous Conference which the new Conference shall decide to reconsider.

"Second: Arbitration.

"Third: International Court of Claims.

"Fourth: Measures for protecting industry, agriculture, and commerce. Development of means of communications between the countries of the Union. Consular, port and Customs regulations. Statistics.

"Fifth: Reorganization of the International Bureau of the American Republics."

The Government of Chile in its answer to the Minister of the United States of America at Santiago, dated May 21, 1900, stated that it would be ready to attend to the proposed American conference provided that, according to its declared program, it shall not assume the adoption of resolutions of retroactive character, arrogating to itself the cognition of subjects present or past in

which any of the Republics invited and attending may have an interest, the object of this condition being to preclude the danger of vexatious questions being raised between those Republics.

The Government of Chile gratefully received the tentative program of the proposed American conference drafted by the Executive Committee of the International Union of American Republics, carefully considered it, and stated the suggestions that it saw fit to make to it, at the executive committee's express invitation, in a communication addressed to the Minister of Chile at Washington, dated October 1, 1900, which, according to instructions, was brought to the consideration of the State Department at Washington on November 23, 1900.

In that communication the Government of Chile remarks that the first proposition of the tentative program is too ample, and suggests the convenience and even the necessity of concreting it to subjects nominatively mentioned in order to avoid the danger of dissensions of opinions at the conference.

The Government of Chile also remarks that the terms of the second and third propositions of the tentative program are too vague and indefinite, and carry with them the same danger of the first proposition.

The Government of Chile therefore concludes with the expression of the following wish, in answer to the circular communication addressed by the Director of the Bureau of American Republics in the name of the executive committee to the several representatives of the said Republics in Washington on May 26, 1900: "That it is most desirable that the Executive Committee of the American Republics should precisely define Articles I, II and III of its tentative program." The Government of Chile expressly states that, after seeing the manner in which its remarks to the tentative program are received, it will be able to give a definite answer to the invitation to the second American conference that has been addressed to it.

Please, therefore, Mr. Director, lay this communication before the Executive Committee of the American Republics, in order that it may adopt the resolution it may deem most convenient in view of the desire expressed by the Government of Chile.

I am, dear Mr. Director, yours very truly,

C. MORLA VICUNA.

Carta del Ministro de Chile en Washington al Director del Bureau de las Repúblicas Americanas, de 30 de abril de 1901. (Memoria de Relaciones Exteriores de Chile de 1901, pág. 78.)

LEGACION DE CHILE,
Washington, 30 de abril de 1901.

Señor DIRECTOR: El 26 de mayo de 1900 me dirigió Ud. la siguiente circular:

"Señor MINISTRO: Por encargo del Comité Ejecutivo de la Union Internacional de las Repúblicas Americanas, tengo el honor de acompañaros copia de un proyecto de programa de la propuesta Conferencia Internacional Americana, preparado por el Comité Ejecutivo en obediencia a la resolución adoptada en la reunion privada (informal) que los representantes diplomáticos de los países de la Union celebraron en esta Oficina el 14 de abril de 1900.

En conformidad a los términos de dicha resolución, el programa adjunto debe someterse a los diversos Gobiernos de la Union para que lo tomen en consideracion i hagan las indicaciones que estimen convenientes.

Tengo la honra de ser, señor Ministro, vuestro obsecuente servidor.—W. W. ROCKHILL, director."

El proyecto de programa de la propuesta Conferencia Internacional Americana transmitido con esa circular, constaba de los cinco párrafos siguientes:

- 1.º Puntos estudiados por la Conferencia anterior, que la nueva Conferencia decida reconsiderar.
- 2.º Arbitramento.
- 3.º Corte Internacional de Reclamaciones.
- 4.º Medios de proteccion a la industria, agricultura i comercio. Desarrollo de las comunicaciones entre los países de la Union. Reglamentos consulares, de puertos i aduanas. Estadísticas.
- 5.º Reorganizacion de la Oficina Internacional de las Repúblicas Americanas.

El Gobierno de Chile, en su respuesta al Ministro de los Estados Unidos de América en Santiago, fechada el 21 de mayo de 1900, espuso que estaria dispuesto a asistir a la proyectada Conferencia Americana siempre que ésta, con arreglo a su programa declarado, no se atribuyese la adopcion de resoluciones de carácter retroactivo, arrogándose el conocimiento de asuntos actuales o pasados en que cualquiera de las Repúblicas invitadas i concurrentes tenga algun interes, siendo el objeto de esta condicion prevenir el peligro de que se susciten cuestiones enojosas entre esas Repúblicas.

El Gobierno de Chile acojió con agrado el proyecto de programa

de la propuesta Conferencia elaborado por el Comité Ejecutivo de la Union Internacional de las Repúblicas Americanas i, a invitacion espresa del Comité Ejecutivo, lo estudió cuidadosamente i le hizo las observaciones que creyó oportunas, en una nota dirigida al Ministro de Chile en Wáshington con fecha 1.º de octubre de 1900, la cual, de acuerdo con las instrucciones del caso, fué elevada a la consideracion del Departamento de Estado de Wáshington el 23 de noviembre de 1900.

En esta comunicacion, el Gobierno de Chile hace notar que la primera proposicion del proyecto de programa es demasiado ámplia, i sujiere la conveniencia i aun la necesidad de concretarla a materias nominalmente indicadas, a fin de evitar el peligro de disidencias de opinion en la Conferencia.

El Gobierno de Chile tambien hace notar que los términos de la segunda i tercera proposiciones del proyecto de programa son demasiado vagos e indefinidos i envuelven el mismo peligro que la primera.

Por lo tanto, el Gobierno de Chile concluye manifestando el siguiente deseo en respuesta a la circular que el Director de la Oficina de las Repúblicas Americanas dirijió, con fecha 26 de mayo de 1900, en nombre del Comité Ejecutivo, a los diversos representantes de dichas Repúblicas en Wáshington, a saber: "Que es mui de desear que el Comité Ejecutivo de las Repúblicas Americanas definiera de un modo preciso los artículos 1.º, 2.º i 3.º de su proyecto de programa." El Gobierno de Chile declara espresamente que despues de ver como se hayan recibido sus indicaciones, sobre el proyecto de programa, podrá dar una respuesta definitiva a la invitacion a la segunda Conferencia Americana que se le ha dirigido.

Servíos, pues, señor Director, presentar esta comunicacion al Comité Ejecutivo de las Repúblicas Americanas, a fin de que adopte la resolucion que juzgue mas conveniente en vista de los deseos manifestados por el Gobierno de Chile.

CARLOS MORLA VICUÑA.

No. 107

Opinions expressed by the "New York Tribune" with regard to the conditions contained in Minister Morla Vicuña's note of July 18, 1901, exacted by Chile relative to the Congress of Mexico.

Chile has thrown a bombshell into the Pan American Congress, and has assumed a threatening attitude toward the United States by insisting that the Congress shall not be sovereign on the question of its program and proceedings, notwithstanding the agreement of the United States with Mexico and the other American Republics to that effect. Sr. Vicuna, the Chilean Minister at Washington, conveyed this ultimatum to Secretary Hay just as the Secretary was starting for his vacation in New Hampshire, and later on the same day sent the following declaration to the Acting Director of the Bureau of American Republics:

"LEGACION DE CHILE,
"Washington, D. C., July 18, 1901.

"SIR: This morning I had the honor of informing his Excellency, Mr. John Hay, Secretary of State of the United States of America and President of the Executive Committee of the Union of American Republics, of the following resolution taken by the Government of Chile in regard to its attendance at the Pan American Congress that is to be held in Mexico:

"Chile maintains its acceptance under the conditions of the program as defined by the executive committee on May 6th; program so defined Chile considers obligatory for the Pan American Congress. Should the said program so defined be substantially modified hereafter outside or within the said Congress, without the assent of all the countries invited, Chile will decide whether it will or not maintain its acceptance. Please, Mr. Director, bring this resolution of the Government of Chile to the knowledge of the Executive Committee of the American Republics, and, in due course, cause it to be communicated to the Government of Mexico, one of the governments inviting to the Congress, in an official way.

"I have the honor to be, dear Mr. Director, with feelings of consideration,

"Yours very truly,

"C. MORLA VICUNA."

North and South Americans are amazed at the peremptory tone assumed by Chile within two days after the formal announce-

ment last week of the unqualified acceptance of every American Republic of the original Mexican invitation. In the meantime the other republics on the continent abide by the original unequivocal assurance to Mexico that they would gladly send delegates to Mexico City on October 22 next, to discuss freely all questions for the development and maintenance of cordial relations throughout the Western Hemisphere."

* * * * *

"MISCONCEPTIONS OF ARBITRATION"

(October 17)

Now, the fact is that—so far as the world has been informed and so far as it has been possible to ascertain by careful scrutiny and investigation—nobody has proposed any such thing as compulsory retroactive arbitration. The program mentions "arbitration" only, leaving the Congress itself to determine the scope of its application.

To consider the case in the most specific manner, Chile objects to any action which would call into question the legitimacy of her conquests of many years ago—of Tarapacá—and the legitimacy of the treaty which she concluded at the end of that war. In that it may be conceded she is right. Whatever may be thought of her conduct at that time—and the United States expressed its opinion pretty plainly—that conduct has long been an accomplished fact, practically accepted by the world. The Treaty of Ancon is valid. It is not to be challenged any more than is the treaty of Guadalupe Hidalgo. Upon that score Chile need have no fear. *Consequent upon and subsidiary to that treaty, however, there are certain other matters which are not yet accomplished facts, put pending and unsettled issues. Arbitration of these would not be retroactive arbitration.* And indeed Chile has practically recognized the fitness of arbitrating them by herself submitting some of them to arbitration. So far as we can discern, the most that is proposed by any one is that the work of arbitration concerning the plebiscitary protocol for the fulfillment of the Treaty of Ancon—not the reopening of or challenging, but the fulfillment of it—which Chile herself began, shall be carried to completion. Such action would not question the legitimacy of Chile's conquests. It would rather confirm it, according to the terms of Chile's own treaty. We cannot believe that at the very opening of the Congress, before that body has had time fully to organize and to decide what shall be the line and scope of its deliberations, Chile

will declare her withdrawal from it unless it instantly accedes to an arbitrary demand made by her and by her alone. Chile is under no compulsion to enter the Congress at all, or to remain in it, or to be bound by anything it may do, unless she voluntarily elects and agrees so to do. But then neither is the Congress under compulsion to gag and fetter itself or to shape its conduct according to Chile's individual dictation.

Treaty on Compulsory Arbitration, signed by Peru. (Records and Papers of the Second Pan American Conference, Mexico, 1902, p. 476.)

TREATY ON COMPULSORY ARBITRATION SIGNED BY THE
DELEGATIONS OF THE ARGENTINE REPUBLIC, BOLIVIA, THE
DOMINICAN REPUBLIC, SALVADOR, GUATEMALA, MEXICO,
PARAGUAY, PERU, URUGUAY AND VENEZUELA.

MEXICO, January 14, 1902.

TO THE PRESIDENT OF THE SECOND INTERNATIONAL CONFERENCE:

As the Committee on Arbitration has failed to arrive at an agreement on the matter entrusted to it, the undersigned Delegations, forming the majority of those represented at the Conference, have entered into the annexed treaty of Compulsory Arbitration.

Without affecting in any manner the said Treaty and in conformity with the principle established in Article 19th of the Convention of The Hague on Arbitration, the same Delegations have entered into a treaty with those others who do not accept the principle of Compulsory Arbitration, in order that they may adhere to the aforesaid Convention and to the others pertaining to The Hague Congress, and which Treaty is herewith presented.

The undersigned Delegations have therefore the honor of presenting to the Conference said Treaty of Compulsory Arbitration, in order that, after taking due note thereof, it may be sent to the Department of Foreign Affairs so as to be perfected.

(Signed)

ANTONIO BERMEJO,

LORENZO ANADON,

Delegation of the Argentine Republic.

FERNANDO E. GUACHALLA,

Delegation of Bolivia.

FEDERICO HENRIQUEZ Y CARVAJAL,

QUINTIN GUTIERREZ,

Dominican Delegation.

M. M. GALAVIS,

Delegate for Venezuela.

CECILIO BAEZ,

Delegate for Paraguay.

ANTONIO LAZO ARRIAGA,

FRANCISCO ORLA,

Delegation of Guatemala.

PABLO MACEDO,

JOSÉ LÓPEZ PORTILLO Y ROJAS,

F. L. DE LA BARRA,
E. PARDO, JR.,
M. SANCHEZ MARMOL,
ROSENDO PINEDA,
Delegation of Mexico.

JUAN CUESTAS,
Delegate for Uruguay.

F. A. REYES,
BALTASAR ESTUPINIAN,
Delegation of Salvador.

ISAAC ALZAMORA,
MANUEL ALVAREZ CALDERON,
ALBERTO ELMORE,
Delegation of Peru.

Statement of the Chilean Delegation against compulsory arbitration. (Records and Papers of the Second Pan American Conference, Mexico, 1902, p. 469.)

* * * * *

The present International Conference, which aims at the establishment of peace on this Continent as its principal object, finds itself in a position to take advantage of the experience which the history of diplomacy furnishes in this respect.

The positive declaration, which the Conference of The Hague has just made against one of these measures, namely, Compulsory Arbitration, should serve this Conference as a lesson and prevent it from entering, so soon after such declaration, into endeavors which in Europe have been characterized as premature, and which America has already rejected by refusing to ratify the declaration of the Congress of Washington.

In order to solve, in a proper manner, the question whether compulsory arbitration should be declared as the best means of deciding international conflicts, as it is proposed, we should not examine it in the light of a useful and desirable institution, because such a task belongs principally to public writers. The only thing which pertains to us, as diplomats, to ascertain, is: if in the present state of affairs it is possible to solve by arbitration all kinds of controversies among the nations, or only some of them; if it is objectionable in some cases and to what degree it sacrifices the independence of the nations, and finally, to what point can it surely prevent armed conflicts and the best means of settling them peacefully.

If it were as easy as it is pretended, to replace the cruel measures of war by the humane and civilizing one of arbitration, no nation would hesitate to limit its sovereign rights before so grand an institution. But if the advantages and benefits are not manifestly apparent; if arbitration is not sufficient to settle all kinds of disputes, and especially those which are the causes of wars, only few States would be disposed voluntarily to diminish their sovereignty, which is the indispensable condition of their existence, in exchange for a principle of such problematic results.

Only by freeing ourselves from the natural tendency to take

great principles out of the domain of practical reality, and to place them into the realm of illusions, and by examining the doctrine of compulsory arbitration with rational and positive discernment, by which statesmen solely should be guided, shall we be able to accomplish practical and useful work for the American nations.

III

There are, of course, questions which do not admit of arbitration in any form whatever. Among them are those affecting the independence, integrity or sovereignty of a nation. Each country is the only judge of its independence and sovereignty. An indeclinable duty compels it to defend the origin and reason of its existence, with all the elements, all the forces and all the energy of which it can avail. To abandon its sacred duty to a stranger's criterion would render such country unworthy of forming part in the concert of the nations which pride themselves of their sovereign independence.

What is said of questions relating to the independence and sovereignty of States, also applies, for the same reason, to those questions affecting their dignity, honor or their most vital interests.

* * * * *

Other objections exist to render impossible compulsory arbitration.

The first is that it always limits the sovereignty of a State, because it places the latter in the condition of whoever renounces blindly to his rights, no matter how absurd the difficulties which may arise and surrenders unconditionally to a strange judgment. No man exposes his individual rights with such indiscretion. Much less of course is it possible to recommend to nations such an indiscretion.

The second objection refers to the fact that international difficulties often present themselves surrounded with peculiar circumstances which excite national public sentiment, and in such cases the people's will does not consent to be subjected to a foreign criterion. In such emergency, the existence of an agreement of general and compulsory arbitration would compel the Government to avoid its compliance under pretexts or reasons which would bring more serious and unavoidable conflicts. Or if the State binds itself to carry out the agreement and becomes a slave of its word submitting to arbitration matters, which would not have submitted voluntarily to the resolution of a third party, the conflict might be according to law, but never in reality. It is not

sufficient resolved that a question be passed upon by arbitrators, to be accepted by the people. A decision must reconcile the opposing interests, temper rivalries and calm passionate sentiments; otherwise conflicts shall subsist and war will necessarily result, if no appeal be made, in order to avoid it, to more efficacious means, as circumstances may indicate.

* * * * *

Based on the real tendencies in the life of the people and on the teachings of experience, all the above considerations lead to this practical result: that, when a conflict arises between two States, it is indispensable that each should enjoy sufficient freedom to calculate the importance and nature of the conflict and to think over the expediency of deciding it peacefully, as compared with the dangers of a war and with the importance of the interests. Prudence is daily more considered by the governments as the most important factor to avoid events whose economical and social consequences may be incalculable.

A well devised policy, therefore, counsels that no previous engagement should be made to solve all the conflicts that may occur, by a specific method. The States should on the contrary always reserve to themselves perfect liberty of criterion for the best solution of special cases. In other words: the benefits of arbitration are real and practicable only when it is optional; that is to say, when the contending Governments may have selected in each special circumstance as the most suitable means for the solution of the conflict. Only in this way will its results leave no ill-will among the respective nations.

It was thus decided by the Conference of The Hague in 1899, which was considered as one of the most notable of those that had sought for the ideal of peace.

No. 110

Communication of the Peruvian Delegation defining Peruvian policy on the subject of compulsory arbitration. (Records and Papers of the Second Pan American Conference, Mexico, 1902, p. 505.)

REPORT ON THE MOTIVES PRESENTED BY THE DELEGATION OF
PERU WITH REGARD TO THE TREATY OF COMPULSORY
ARBITRATION

The stability of institutions and peace among the American Republics constitute the two principal requirements in this portion of the world. Nothing can be done to promote the material improvements of our countries, nothing of a permanent and efficacious character can be suggested to closely unite us in the great pathway of civilization, if, above all, we do not endeavor to insure the internal order of our young American nations; if we do not frankly and energetically eliminate the causes of disagreements, animosities, restlessness, and dormant and active struggles existing, or which may exist among them. There is no possible solution outside of this ample basis of interior stability and of international peace. In the history of nations, as well as in social life, there is a period characterized by the exalted principle of defense, in which all energies are joined together to insure what is esteemed to be self-preservation. Such period is not, doubtless, the most appropriate to utilize the active strength of the country. When nations devote their existence to avoid the attack of others, or to prepare attacks, all their factors of vitality are wasted, all their future civilization is lost, and they fatally fall into militarism, which means a diminishing of political liberties, the exhaustion of economic forces and an initiation of international regime of latent war, so much the more harmful, since it cannot be defined.

* * * * *

Nor can it be said, strictly speaking, that the aspiration toward the establishment of arbitration had been disappointed by actual facts. There exist at least sixty treaties actually concluded, in which arbitration among American nations has been established, either for special cases, or as a compromising clause, or as a permanent institution. There exist at the same time treaties between

our countries and European nations, and lastly some cases can be cited in which the proceedings of arbitration have been effected and the sentence has put an end to conflicts of boundaries or other natures which threatened to disturb peace.

It seems to us that if that great number of compulsory arbitration agreements is considered as a whole, there is enough reason to assure that the question is settled in America, and that it only remains to gather from all the agreements signed, the points in common, which can be susceptible of being converted by this Conference into rules of a general character.

* * * * *

With regard to Compulsory Arbitration the duties of the Conference cannot be avoided. It is necessary to at once acknowledge that that institution, with its compulsory character, is not, any more, a simple doctrine, or a mere aspiration of writers and noble minds, but has been converted into an indisputable national practice. There are very few nations in the world which on account of temporary reasons reject Compulsory Arbitration. Confining ourselves to America, from the United States of North America to Argentina and Chili, all the Republics have agreed to it at different times. It would be very troublesome to enumerate the treaties which, on account of this Conference, have been gathered together in a special publication. Europe has also, of late, given a proof of the advance made by International Law, notwithstanding the political conditions of that Continent. The Peace Conference of The Hague virtually sanctioned Compulsory Arbitration. The Russian project proposed it, and the Third Committee, to whose consideration it was submitted, warmly approved it. After its acceptance, the Delegate for the German Empire received instructions which did not permit him to sign the respective treaty, and the Committee then declared that the other countries gave up their opinions and their desires to advance any further on the matter of arbitration, in the recognition of the necessity of arriving at a unanimous resolution. The Committee then confirmed the private treaties of Compulsory Arbitration between the countries that formed the Conference and drafted a clause appealing to the same nations to bind themselves, in a general and permanent manner, to submit all controversies of juridical nature to arbitration. "The character of that provision which has, on account of circumstances, been necessary, said Chevalier Descamps, imposes sacrifices on the States which are

resolved to take a step, though a prudent one, in the manner indicated by the Russian Delegation. But it is nevertheless necessary to state that the field remains open to further endeavors in that direction." And the reporting Committee added: "The proposition as adopted (which excludes Compulsory Arbitration) is a vote of compromise animated by the desires to reach a unanimous agreement."

This means, in plain words, that there was no reason why Compulsory Arbitration should be rejected as Utopian or as an impracticable doctrine. It was, on the contrary, acknowledged by eminent scientific authorities, and by representatives of the most powerful European nations, and had not special motives existed which affected only one of these nations, it surely would have been sanctioned as a rule for positive European right. Unfortunately that was not so, and the Treaty for Arbitration of The Hague did not attain all its importance, and, if considered in its technical and political sense, it simply means a method employed to temporize with a peculiar opposition and to elude, in fact, the question of effective arbitration as a permanent institution.

These historical antecedents demonstrate two things; first, that considering the Conference of The Hague in the light of an authorized manifestation of technical and political opinions, it is clearly wrong to say that that Conference condemned Compulsory Arbitration or considered it as premature and inapplicable: and second, that the Treaty of Arbitration of The Hague, as a juridical document, is not certainly, a standard worthy of imitation in America, as its own authors declared it to be a formula for European compromise, which implied the sacrifice of more advanced desires by which most of the nations represented were inspired.

* * * * *

Thus it can be affirmed, without any risk of inaccuracy, that the restriction of arbitration for reasons of independence, or honor, or of what is vaguely called superior interests, constitute on this Continent a new reaction, unknown for a long time in our international history. We do not think that such a reaction is worthy of being promoted by the American Conference; it seems to us, that it is the result of ideas and sentiments developed in feudal times, and that there is no reason why they should exist today. Honor, especially, does not now consist in the almost insane susceptibility of the Middle Ages. Honor in the modern State is based on living according to law, on contributing to civilization,

and the progress of humanity, in not imposing force, but in making use of it on behalf of justice, on respecting the treaties, when in possession of the material power to violate them.

The so-called "superior or vital interest" could certainly not be an object for precise definition. But it is to be believed that there is not for any nation any interest of greater importance than peace. These "interests" and the invocation of national honor were not a reason for limitation in the resolutions in the Conference at Washington, in which only the questions affecting independence were excluded from Compulsory Arbitration.

* * * * *

The extent of Compulsory Arbitration in America must be greater than in Europe. In our Continent, for reasons known by all, the difficulties, which History has accumulated in the Old World, do not exist. There is no system of international balance of power, nor has there elapsed sufficient time for our nationalities to form strong sentiments of exigencies, or ambitions, mutually incompatible. The political history of Europe, with its chain of wars of predominance, colonization, mutual territorial dismemberments, caused by the great density of the population, and other causes, has established deeply-rooted interests, which for a long time to come will be considered as intimately connected with the very life of the States. Nothing of this kind occurs in America. Our American Republics occupy a territory which is three times greater than the area of all Europe, with a small population of only 120,000,000 inhabitants. We live practically, if we speak in general, in a desert, and our fiscal resources, naturally limited, do not lead us towards struggles for predominance, which are always the result of the great development of population and of public wealth. Our international boundaries rest upon the principle of *uti possidetis* of 1810, incorporated in American Law, and it is only necessary in many cases to arrive at an understanding regarding the just application of this principle and to effectively designate the dividing lines in accordance with the same.

This means, that in matters of boundaries, in America, really there exist no political questions. Controversies in this respect are of a technical character, and there is not one which may not be reduced to a rule of law. This is the reason why the nations of America have at all times procured to submit their disputes over boundaries to mixed commissions, or to arbitration. In this particular, many treaties of arbitration may be cited: between

Ecuador and Peru, between Peru and Brazil, between Brazil and the Argentine Republic, between Brazil and Paraguay, between the Argentine Republic and Bolivia, between the Argentine Republic and Chili, and between Bolivia and Peru. The same may be said of the Central American Republics.

It appears, for that reason, that it cannot be doubted that all the boundary questions of America are susceptible of Compulsory Arbitration and should be included in the permanent treaty. These questions, perhaps, are those which principally, from time to time, have originated serious disagreements, and on some occasions, have caused fratricidal struggles. They have, besides, commenced to create unrest and animosities, of such magnitude, that the day does not appear distant, in which an armed peace will be established in our territories, to the detriment of the evolution of our countries.

* * * * *

In the European practice, the compulsory clause refers principally to the execution or interpretation of treaties or conventions, which have no political character, and above all, to the treaties known by the name of Universal Unions. It was observed for this reason, in the Conference of The Hague, that the first attempt to introduce Compulsory Arbitration into international practice, was made precisely in a treaty of a universal character, to wit: the one relating to the Postal Union of 1874.

In America, we have, strictly speaking, no treaties of a political character, and it would be difficult to cite an example. All our treaties refer to boundary disputes, to questions of river navigation, to occupation of territories, to diplomatic or consular privileges, and generally to affairs of a juridical nature. In all these cases, for the same reason, Compulsory Arbitration should serve as a guarantee, secured beforehand, against the exaltation of popular passions and the weakness of governments.

A treaty of Arbitration, of an advanced character, should not enumerate the cases in which it is compulsory to submit to the decision of arbitration, because in such case, all the cases not enumerated would remain excluded from the obligation of arbitration. Thus, arbitration, would constitute the exception, and not the rule. On the contrary, the cases excluded from arbitration are those that should be specified. For this reason, whenever it is a question of concluding a compact of compulsory arbitration,

restricted for reasons of independence or national honor, the proper thing to do is to specify the conflicts, in which one or the other of these reasons may be involved, and limiting such exceptions to these cases; which presents the advantage of converting Compulsory Arbitration into a principle, the generality of which is only limited by those cases, in which the majority of the countries think it necessary to have absolute liberty of judgment and of action.

From the arguments stated, it may be deduced that the traditional policy of Peru, during all the epochs of its independent existence, and with all countries regardless of their relative power, has been in favor of Compulsory Arbitration, in as ample a form as the other contracting countries were willing to admit; that this policy is in accord with the real and permanent interests of the republics of America; that if restrictions are to be admitted in this class of treaties, they should be specified, leaving in force the obligation to resort to arbitration as a general rule, and that in any case, all controversies relating to boundaries and the validity, interpretation of, and compliance with international treaties, should be decided by this pacific mean.

The delegation of Peru, however, having been compelled to make concessions in many respects, in order to be in harmony with the majority of the delegations of the republics represented in this Conference, the treaty of Compulsory Arbitration, signed by ten delegations, signifies for the undersigned nothing more than an engagement.

ISAAC ALZAMORA.

MANUEL ALVAREZ CALDERON.

ALBERTO ELMORE.

MEXICO, *January 22, 1902.*

No. 111

Communication from the Minister of Peru in Washington to the Secretary of the Program Committee for the Third Pan American Conference, January 27, 1906, in which he urges the necessity for a resolution upon obligatory arbitration. (Bulletin of the Ministry of Foreign Affairs of Peru, vol. XVII, p. 627.)

LEGATION OF PERU,
Washington, January 27, 1906.

To His Excellency Señor GONZALO DE QUESADA,

Secretary of the Program Committee of the

Third International Pan American Conference, Washington.

Sir: I have the honor to reply to Your Excellency's courteous communication of the 20th of December, informing me of the induction of the Program Committee for the Third International Pan American Conference, under the presidency of the Honorable Secretary of State of the United States of America; of the election of His Excellency, the Ambassador of Brazil, as Vice-President, and that of Your Excellency as Secretary. Your Excellency is also good enough to inform me that at the first session the following resolution was adopted:

"That each member of the Governing Board of the Bureau be requested to address his government by telegraph requesting the expression of its views in respect to the program.

"The Committee entertains the hope of receiving a reply, if possible, by the beginning of February."

The views and desires of Peru, in respect to the program of the Third International Pan American Conference, are identical with those which she has always expressed when attending any American Congress. For that reason my government has instructed me to propose as subjects for the program the following:

(1) Arbitration with no restrictions or limitations, to be discussed with full liberty, at the Third Conference, as it was dealt with at the Conferences of Washington and of Mexico.

(2) The study of international agreements which shall guarantee justice; promote closer relations of every kind between the American republics; facilitate all means of communication by land and water; promote the development of their natural resources;

to make known, by means of statistics, their expansion and welfare; to stimulate commerce, and contribute to their greatness and prosperity. The following subjects might carry out these intentions:

(a) The creation of an international Pan American Court of Claims, independent of that at the Hague, which would be the complement of the Treaty on Claims for Damages and Pecuniary Losses, concluded at the Conference of Mexico and approved by the governments of the United States, Peru and other republics.

(b) The confirmation of the agreements and treaties concluded in previous Conferences, and especially in the Conference of Montevideo, in respect to civil legislation, commercial law, penal law, judicial procedure, copyrights, trade-marks, patents, and the exercise of the liberal professions.

(c) The free navigation of the rivers which flow through the American continent.

(d) The establishment of rapid lines of steamship navigation.

(e) The building of the Pan American railroad.

(f) The establishment of the Pan American Bank.

(g) Agreements which may facilitate commercial intercourse among the republics.

(h) The conclusion of commercial treaties.

Among all these subjects, the one which most interests my government is that relative to arbitration, because the peace of these republics, which is the supreme need, the indispensable condition of their welfare and prosperity, depends upon its application in America; so much so, that in all the American Congresses and specially in those of Washington and Mexico, paramount importance has been given to the study of the application of arbitration. It is only through the adoption of arbitration that mutual respect, concord, and union to which the American republics aspire, can be consolidated, to enable them, under the protection of these great blessings, to devote themselves to attaining final stability and eminence. My government hopes that the program of the Third International Pan American Conference will confirm the high purposes of the Conferences of Washington and of Mexico, and submit to the consideration of the Conference of Rio Janeiro the subject of arbitration, which is the point of greatest interest to public opinion in this continent, because it is the only sound basis upon which all agreements and treaties rest, whose purpose is to bring about closer political and commercial relations among the American republics.

I must state that the Peruvian Government will decide whether it will attend or not the Third Pan American Conference after it has knowledge of the program and the rules which are to be adopted at the open meeting of the Bureau of the Republics.

I avail myself of this opportunity to reiterate to Your Excellency the assurances of my highest and most distinguished consideration.

FELIPE PARDO.

Nº 111

Nota del Ministro del Perú en Wáshington al Secretario de la Comisión de Programa de la III Conferencia Panamericana, de 27 de enero de 1906, en que sostiene la necesidad de una resolución sobre el arbitraje obligatorio. (Boletín del Ministerio de Relaciones Exteriores del Perú, tomo XVII, pág. 627.)

WASHINGTON, 27 de enero de 1906.

Excelentísimo señor don GONZALO DE QUESADA,

Secretario de la comisión de programa de la tercera conferencia internacional panamericana, Washington.

Señor: Tengo el honor de contestar la atenta comunicación de V. E. del 20 de diciembre, en que me participa la instalación de la comisión de programa para la tercera conferencia internacional panamericana, bajo la presidencia del honorable secretario de estado de los Estados Unidos de América; la elección de S. E. el embajador del Brasil, como vicepresidente, y la de V. E. como secretario. Se sirve V. E. también informarme que en la primera sesión se aprobó la resolución siguiente:

“Que se ruegue á cada uno de los miembros del consejo directivo de la oficina, se dirija por telégrafo á su gobierno, solicitando la expresión de sus ideas acerca del programa.

“La comisión abraza la esperanza de recibir contestación, si fuere posible, á comienzos de febrero.”

Las ideas y deseos del Perú acerca del programa de la tercera conferencia internacional panamericana son las mismas que ha expresado siempre que ha concurrido á congresos americanos. Por eso mi gobierno me encarga proponer como temas del programa los siguientes:

(1) El tema del arbitraje sin restricción ni limitación, para que sea discutido con toda libertad en la tercera conferencia, como lo fué en las de Wáshington y de México.

(2) El estudio de los acuerdos internacionales que garanticen

la justicia, procuren el acercamiento en todo orden de las repúblicas americanas, faciliten las comunicaciones fluviales marítimas y terrestres, fomenten la explotación de sus riquezas naturales, den á conocer por medio de la estadística su desarrollo y bienestar, estimulen el comercio y contribuyan á su grandeza y prosperidad. Los siguientes temas responderían á estos fines:

(a) La creación de un tribunal panamericano internacional de reclamaciones, independiente del de La Haya, que sea el complemento del tratado sobre reclamaciones por daños y perjuicios pecuniarios que se celebró en la conferencia de México, y que ha sido aprobado por el gobierno de los Estados Unidos, el Perú y otras repúblicas.

(b) La confirmación de los acuerdos y tratados en los anteriores congresos, y en especial en el de Montevideo, en materia de legislación civil, derecho comercial, derecho penal, procedimiento judicial, propiedad artística y literaria, marcas de fábrica, patentes de invención y ejercicio de las profesiones liberales.

(c) La libre navegación de los ríos que surcan el continente americano.

(d) El establecimiento de líneas rápidas de navegación á vapor.

(e) La construcción del ferrocarril panamericano.

(f) La fundación del banco panamericano.

(g) Los acuerdos que faciliten el intercambio comercial entre las repúblicas.

(h) La celebración de tratados de comercio.

Entre todos estos temas, el que más interesa á mi gobierno es el relativo al arbitraje, porque de su aplicación en América depende la paz de las repúblicas, que es la necesidad suprema, la condición indispensable de su bienestar y prosperidad; y tan es así que en todos los congresos americanos, y en especial en los de Wáshington y México, se ha dado al estudio de la aplicación del arbitraje importancia capital. Sólo con la adopción del arbitraje podrá consolidarse el mutuo respeto, la concordia y la unión á que aspiran las repúblicas americanas, para poder dedicarse, al amparo de esos grandes bienes, á conseguir su estabilidad definitiva y su engrandecimiento. Mi gobierno espera que el programa de la tercera conferencia internacional panamericana confirmará los elevados propósitos de los congresos de Wáshington y de México y llevará á la resolución del congreso de Río Janeiro el tema del arbitraje, que es el punto que más interesa á la opinión pública de este continente, porque es la única base sólida sobre la cual

podrán descansar todos los acuerdos y tratados que tengan por objeto estrechar las relaciones políticas y comerciales de las repúblicas americanas.

Debo dejar constancia de que el gobierno del Perú resolverá si asistirá ó no á la tercera conferencia panamericana después que conozca el programa y el reglamento que acuerde la reunión general del *Bureau* de las repúblicas.

Aprovecho de esta oportunidad para reiterar á V. E. las seguridades de mi más alta y distinguida consideración.

FELIPE PARDO.

Special Treaty (upon transfer) between Chile and Bolivia dealing with the territories of Tacna and Arica, May 18, 1895. (Report of the Minister of Foreign Affairs of Chile, 1896, p. 177.)

The Republic of Chile and the Republic of Bolivia, with the intention of strengthening still further the ties of friendship which bind both countries, and being in agreement in that a superior interest, the future development and commercial prosperity of Bolivia demand her free and natural access to the sea, have entered into the following special treaty of territorial transference, to which effect they have appointed and constituted their plenipotentiaries as follows:

His Excellency the President of the Republic of Chile, señor Luis Barros Borgoño, Minister of Foreign Affairs of Chile; and His Excellency the President of the Republic of Bolivia, señor Heriberto Gutierrez, Envoy Extraordinary and Minister Plenipotentiary of Bolivia in Chile, who, upon having exchanged their full powers, and having found them to be in good and due order, have agreed upon the following conditions:

I

Should the Republic of Chile, as the result of the plebiscite which is to be carried out according to the terms of the Treaty of Ancon, or by virtue of direct negotiation, acquire permanent dominion over and sovereignty in the territories of Tacna and Arica, she binds herself to transfer them to the Republic of Bolivia, in the same manner and to the same extent as she shall have acquired them, without prejudice to the stipulations contained in Article II.

The Republic of Bolivia shall pay, in consideration for the assignment of these territories, the sum of five million silver "pesos" of 25 grammes weight and nine tenths fineness, the special security for this payment to consist of 40% (forty per centum) of the gross revenue of the Arica Customs.

II

Should the cession provided for in the foregoing article take place, it is agreed that the Republic of Chile would advance her northern frontier at Camarones up to the Vitor Gap (quebrada) from the sea as far as the frontier which at present separates this region from the Republic of Bolivia.

III

So as to carry out the intention mentioned in the preceding articles, the Government of Chile undertakes to use its best efforts, either separately or jointly with Bolivia, so as to secure the definite ownership of the territories of Tacna and Arica.

IV

Should the Republic of Chile be unable, through the plebiscite or by means of direct negotiation, to obtain definite sovereignty of the zone which contains the cities of Tacna and Arica, she undertakes to cede to Bolivia the inlet of Vitor as far as the Camarones Gap (quebrada) or some other similar thereto, and in addition, the sum of five million silver "pesos" of 25 grammes weight and of nine tenths fineness.

V

A special agreement shall determine the exact boundaries of the territory which shall be ceded in compliance with the present treaty.

VI

In case the cession should be effected in agreement with the provisions of Article IV, and the territory thus ceded should contain nitrate deposits, or these should subsequently be discovered therein, they shall in no manner be worked or transferred until all the nitrate deposits at present in existence in the territory of the Republic of Chile shall have been exhausted, unless an arrangement to the contrary be stipulated between both governments.

VII

This treaty, which is to be signed at the same time as those of Peace and Commerce, entered into between the same republics, shall be secret and shall not be made public except by special agreement between the High Contracting Parties.

VIII

The ratifications of this treaty shall be exchanged within the space of six months, and the exchanges shall take place in the city of Santiago.

In testimony whereof the Minister of Foreign Affairs of Chile and the Envoy Extraordinary and Minister Plenipotentiary of Bolivia have signed the present special treaty in duplicate, and sealed it with their respective seals in the city of Santiago, on the 18th of the month of May, 1895.

[L. S.] LUIS BARROS BORGÑO.

[L. S.] HERIBERTO GUTIÉRREZ.

Tratado especial (de transferencia) entre Chile y Bolivia sobre los territorios de Tacna y Arica, de 18 de mayo de 1895. (Memoria del Ministro de Relaciones Exteriores de Chile, 1896, pág. 177.)

La república de Chile y la república de Bolivia, en el propósito de estrechar cada vez más los vínculos de amistad que unen á los dos países, y de acuerdo en que una necesidad superior, el futuro desarrollo y prosperidad comercial de Bolivia requieren su libre y natural acceso al mar, han determinado ajustar un tratado especial sobre trasferencia de territorio, y al efecto han nombrado y constituido por sus plenipotenciarios, á saber:

S. E. el presidente de la república de Chile, á don Luís Barros Borgoño, ministro de relaciones exteriores de Chile; y S. E. el presidente de la república de Bolivia, á don Heriberto Gutiérrez, enviado extraordinario y ministro plenipotenciario de Bolivia en Chile, quienes, después de haber canjeado sus plenos poderes, y habiéndolos hallado en buena y debida forma, han acordado las siguientes bases:

I

Si, á consecuencia del plebiscito que haya de tener lugar, en conformidad al tratado de Ancón, ó á virtud de arreglos directos, adquiriese la república de Chile dominio y soberanía permanente sobre los territorios de Tacna y Arica, se obliga á trasferirlos á la república de Bolivia, en la misma forma y con la misma extensión que las adquiriera, sin perjuicio de lo establecido en el artículo II.

La república de Bolivia abonará, como indemnización por dicha trasferencia de territorio, la suma de cinco millones de pesos de plata, de 25 gramos de peso y 9 décimos fino, quedando especialmente afecto para responder á este pago, el 40 por ciento del rendimiento bruto de la aduana de Arica.

II

Si se verifica la cesión contemplada en el artículo precedente, es entendido que la república de Chile avanzaría su frontera norte de Camarones á la quebrada de Vitor, desde el mar hasta tocar con el límite que actualmente separa esa región de la república de Bolivia.

III

A fin de realizar el propósito enunciado en los artículos anteriores, el gobierno de Chile se compromete á empeñar todos sus esfuerzos, ya sea separada ó conjuntamente con Bolivia, para obtener en propiedad definitiva los territorios de Tacna y Arica.

IV

Si la república de Chile no pudiese obtener en el plebiscito, ó por arreglos directos, la soberanía definitiva de la zona en que se hallan las ciudades de Tacna y Arica, se compromete á ceder á Bolivia la caleta de Vítor hasta la quebrada de Camarones, ú otra análoga, y además la suma de cinco millones de pesos de plata, de 25 gramos de peso y 9 décimos fino.

V

Un arreglo especial determinará los límites precisos del territorio que se ceda, conforme al presente tratado.

VI

Si la cesión se hiciese en conformidad al artículo IV, y en la zona cedida se encuentran ó se descubren en lo futuro yacimientos de salitre, no podrán absolutamente ser explotados ni trasferidos, sino después que se hallen agotados todos los yacimientos de salitre existentes en el territorio de la república de Chile, salvo que, por acuerdo especial de ambos gobiernos, se estipule otra cosa.

VII

Este tratado, que se firmará al mismo tiempo que los de paz y comercio, ajustados entre las mismas repúblicas, se mantendrá en reserva, y no podrá publicarse sino mediante acuerdo entre las altas partes contratantes.

VIII

Las ratificaciones de este tratado serán canjeadas dentro del plazo de seis meses, y el canje tendrá lugar en la ciudad de Santiago.

En fe de lo cual, el señor ministro de relaciones exteriores de Chile y el señor enviado extraordinario y ministro plenipotenciario de Bolivia firman y sellan, con su respectivo sello, por duplicado, el presente tratado especial, en la ciudad de Santiago, á los dieciocho días del mes de mayo de mil ochocientos noventa y cinco.

(L. S.) LUIS BARROS BORGÑO.

(L. S.) HERIBERTO GUTIÉRREZ

No. 113

Protocol of December 9, 1895, relative to the scope of the obligations undertaken in the treaties of May 18, 1895. (Report of the Ministry of Foreign Affairs of Chile, 1896, p. 179.)

Being assembled in the Ministry of Foreign Affairs (of Bolivia) his Excellency the Envoy Extraordinary and Minister Plenipotentiary of Chile, señor Juan G. Matta, and the Minister of Foreign Affairs and Public Worship, doctor Emeterio Cano, duly empowered by their respective governments, for the purpose of defining the scope and obligations contained in the treaties of May 18, of the present year, and the Complementary Protocol of the 28th of the same month, have agreed as follows:

I

That both contracting Parties determine to make of the Treaties of Peace and Territorial Transference, one indivisible whole, containing reciprocal stipulations interdependent one upon another.

II

That the definite cession of the Bolivian coast in favor of Chile will be void if Chile should fail to deliver to Bolivia, within the space of two years, the port on the Pacific coast to which the Treaty on transference refers.

III

That the Government of Chile is bound to employ all lawful means within the terms of the Treaty of Ancon, or by direct negotiation, to obtain the port and territories of Arica and Tacna, with the unequivocal intention of surrendering them to Bolivia, to the extent stipulated in the Treaty on transference.

IV

Should Chile, notwithstanding every effort on her part, fail to obtain this port and territories, and should it become necessary to carry out the other stipulations of the Treaty, surrendering Vitor or some other similar inlet, this obligation shall not be held to have been effected by Chile until she shall surrender a port and a zone which will amply satisfy the present and future requirements of Bolivian commerce and industry.

That Bolivia recognizes no credits or assumes responsibilities of any nature relative to the territories which she transfers to Chile.

Being in complete accord upon the above-mentioned points they subscribed and sealed this Protocol in duplicate in Sucre, on December 9, 1895.

JUAN GONZALO MATTA.
EMETERIO CANO.

Nº 113

Protocolo de 9 de diciembre de 1895 sobre alcance de las obligaciones contraídas en los tratados de 18 de mayo de 1895. (Memoria de Relaciones Exteriores de Chile de 1896, pág. 179.)

Reunidos en el Ministerio de Relaciones Exteriores el Excmo. señor Enviado Estraordinario i Ministro Plenipotenciario de la República de Chile, don Juan G. Matta, i el Ministro de Relaciones Esteriores i del Culto, doctor don Emeterio Cano, plenamente autorizados por sus respectivos Gobiernos i con el propósito de fijar los alcances i obligaciones consignadas en los tratados de 18 de mayo del presente año i Protocolo complementario de 28 del mismo mes, acordaron:

1.º Que ámbas partes contratantes hacen de los Tratados de Paz i de Trasferencia de territorios un todo indivisible i de estipulaciones recíprocas e integrantes las unas de las otras.

2.º Que la cesion definitiva del litoral de Bolivia a favor de Chile quedaría sin efecto si Chile no entregase a Bolivia, dentro de un término de dos años, el puerto en la costa del Pacífico, de que habla el Tratado de Trasferencia.

3.º Que el Gobierno de Chile queda obligado a emplear todo recurso legal, dentro del Pacto de Ancon, o por negociacion directa, para adquirir el puerto i territorios de Arica i Tacna, con el propósito ineludible de entregarlos a Bolivia en la estension que determina el Pacto de Trasferencia.

4.º Que si, a pesar de todo empeño de su parte, no pudiese Chile obtener dichos puerto i territorios, i llegase el caso de cumplir las otras previsiones del Pacto, entregando Vitor u otra caleta análoga, no se dará por llenada dicha obligacion de parte de Chile, sino cuando entregue un puerto i zona que satisfagan ampliamente las necesidades presentes i futuras del comercio e industrias de Bolivia.

5.º Que Bolivia no reconoce créditos ni responsabilidades de ninguna clase, provenientes de los territorios que trasfiere a Chile.

De perfecto acuerdo sobre los puntos enunciados, suscribieron i sellaron este Protocolo en doble ejemplar, en Sucre, a 9 de diciembre de 1895.

JUAN GONZALO MATTA.
EMETERIO CANO.

No. 114

Protocol explanatory of the former, dated April 30, 1896. (Report of the Ministry of Foreign Affairs of Chile, 1896, p. 180.)

Being assembled in the Ministry of Foreign Affairs of Chile, the Minister thereof, señor Adolfo Guerrero, and the Envoy Extraordinary and Minister Plenipotentiary of Bolivia, señor Heriberto Gutierrez, after having duly considered the difficulties which have arisen in regard to securing the exchange of the ratifications of the treaties and complementary protocols already subscribed to in this city on the 18th and 28th of May, 1895, respectively, between the Minister of Foreign Affairs, señor Luis Barros Borgoño, and the Envoy Extraordinary and Minister Plenipotentiary of Bolivia, señor Heriberto Gutierrez, owing to which difficulties the Protocol of May 28, dealing with the liquidation of credits has not been approved by the Congress of Bolivia; nor has the Protocol subscribed to in Sucre on December 9, 1895, by the Minister of Foreign Affairs of Bolivia, señor Emeterio Cano, and the Envoy Extraordinary and Minister Plenipotentiary of Chile accredited to that government, señor Juan G. Matta, been approved by the government and Congress of Chile; and being both of them desirous of removing these difficulties and of concluding an agreement with regard to one and the other points, have agreed as follows:

I

The Government of Chile on its side, approves the Protocol of December 9, 1895, which ratifies its principal undertaking to transfer to Bolivia the territories of Tacna and Arica, the 4th clause of which, with reference to Article IV of the Treaty on transference dated May 28, stipulates the surrender of Vitor or of any other similar inlet possessing the necessary port facilities required by commerce; that is to say with anchorage for merchant vessels, with land to build docks and erect Customs buildings and appropriate for the founding of a town which, with a railroad to Bolivia, would satisfy the revenue and economic requirements of the country.

II

The Government of Bolivia will submit to the approval of the Congress of that republic, the Protocol relative to the liquidation of

credits, signed in Santiago on May 28, 1895, as well as the explanation to which the preceding clause refers, defining the intention and scope of clause IV of the Protocol of December 9 of that same year.

III

The Government of Chile shall solicit the necessary approval from Congress for the referred-to Protocol of December 9 together with the aforesaid explanation, as soon as the Bolivian Legislature shall have approved this latter.

IV

The exchange of the ratifications of the covenants of May 28, 1895, dealing with the liquidation of credits, and of December 9, of the same year relative to territorial transference with the explanation contained in the present agreement, shall be effected in this city, within the space of sixty days following the approval by the Congress of Chile of these last protocols.

In testimony whereof the present protocol was signed in duplicate in Santiago on the 30th day of April, 1896.

ADOLFO GUERRERO.

HERIBERTO GUTIERREZ.

Nº 114

Protocolo aclaratorio del anterior, de 30 de abril de 1896. (Memoria de Relaciones Exteriores de Chile de 1896, pág. 180.)

Reunidos en el Ministerio de Relaciones Exteriores de Chile el Ministro del Ramo, señor Adolfo Guerrero, y el Enviado Extraordinario y Ministro Plenipotenciario de Bolivia, Señor Heriberto Gutierrez, después de tomar en consideracion las dificultades que han surgido para proceder al canje de las ratificaciones de los tratados y protocolos complementarios suscritos, respectivamente, en esta capital el 18 y 28 de mayo de 1895 por los señores Ministros de Relaciones Exteriores, don Luis Barros Borgoño, y Enviado Extraordinario y Ministro Plenipotenciario de Bolivia, don Heriberto Gutierrez, por cuanto aun no ha sido aprobado por el Congreso de Bolivia el protocolo de 28 de mayo sobre liquidacion de créditos, ni ha sido tampoco aprobado por el Gobierno y el Congreso de Chile el Protocolo el Protocolo ajustado en Sucre a 9 de diciembre de 1895, entre al señor Ministro de Relaciones Exteriores de Bolivia, don Emeterio Cano, y el señor Enviado Extraordinario y Ministro Plenipotenciario de Chile ante aquel Gobierno, don Juan G. Matta; y animados del deseo de hacer

desaparecer aquellas dificultades y de establecer acuerdo respecto de uno y otro punto, han convenido en lo siguiente:

1.º El Gobierno de Chile aprueba, por su parte, el Protocolo de 9 de diciembre de 1895, que ratifica su compromiso principal de trasferir a Bolivia los territorios de Tacna i Arica, i cuya cláusula 4.ª, con relacion al art. 4.º del Tratado de Trasferencia de 28 de mayo, estatuye la entrega de Vítor u otra caleta análoga en condiciones de puerto, suficientes para satisfacer las necesidades del comercio, es decir, con fondeaderos para naves mercantes, con terrenos donde pueda construirse muelle i edificios fiscales i con capacidad para establecer una poblacion, que mediante un ferrocarril a Bolivia, responda al servicio fiscal i económico del pais.

2.º El Gobierno de Bolivia someterá a la aprobacion del Congreso de aquella República el Protocolo relativo a liquidacion de créditos, firmado en Santiago el 28 de mayo de 1895, así como la aclaracion a que se refiere la cláusula anterior, fijando la significacion i los alcances de la cláusula 4ª. del Protocolo de 9 de diciembre del mismo año.

3.º El Gobierno de Chile solicitará la respectiva aprobacion por el Congreso del Protocolo mencionado de 9 de diciembre, con la anterior aclaracion, tan pronto como la Lejislatura de Bolivia hubiese aprobado esta última.

4.º Se procederá a canjear en esta capital las ratificaciones de los convenios de 28 de mayo de 1895, sobre liquidacion de créditos, i de 9 de diciembre del mismo año, sobre trasferencia de territorio con la aclaracion contenida en el presente arreglo, dentro del término de los sesenta dias siguientes a la aprobacion por el Congreso de Chile de estos últimos protocolos.

En fé de lo cual, se firmó el presente Protocolo en doble ejemplar, en Santiago, a los 30 dias del mes de abril de 1896.

ADOLFO GUERRERO.
H. GUTIERREZ.

Protocols signed in Bogota, between the Colombian Minister of Foreign Affairs, Abadía-Mendez, and the Chilean Minister, Herboso, which show the intention of Chile to prevent the settlement by arbitration of Peru's outstanding issues with foreign nations. (Published by the *New York Sun*, 19th October, 1902.)

The Envoy Extraordinary and Minister Plenipotentiary of the Republic of Chile and the Minister of Foreign Relations of Colombia, being assembled in the Ministry of Foreign Relations in the City of Bogota on the 29th of September, 1901, are agreed to formally leave on record in the present document, duly signed by them, the following declarations which were verbally made during the conference which took place yesterday in the Presidential Palace, and which the Representative of Chile undertakes to submit later to his government.

1st. The Governments of Chile and Colombia wish, once and for all, to intimately strengthen the political, commercial and all other ties which must, in a permanent manner, bind both Republics. In this understanding they shall proceed to negotiate through the intermediary of the signatories of this present document, Treaties of Amity, Commerce and Navigation, Extradition, the Exercise of Liberal Professions, and Exchange of Publications. The Treaty of Amity shall permit the free entry through the Customs of Pacific ports of the natural products of both countries, a privilege which may be limited to certain stated products only should this prove suitable and be mutually agreed upon.

2nd. The Government of Chile shall immediately address to the Government of Ecuador a declaration to bring to its notice the state of the relations between Chile and Colombia, and, availing itself of the close friendship which binds Chile and Ecuador, shall actively induce the government of the latter country, endeavoring to secure this by the means at its command, to take the several necessary steps which may tend to re-establish the most perfect harmony between Colombia and Ecuador, both of which would sign a treaty of absolute neutrality in the disagreements which might arise between any of them and other nations, or in the

civil dissensions or disturbances affecting domestic public order, agreeing in such cases to intern all revolutionaries who plot against the government of either of the two countries above-mentioned, and refusing assistance in any shape or form to such revolutionary movement.

3rd. The Government of Chile will instruct its agent in Quito to the effect that, in conjunction with the Minister of Colombia in that same place, he may proceed to negotiate a treaty with the Minister of Ecuador in which the perfect understanding of the three Republics shall be stipulated. In this Treaty, Chile will assume the functions of the common and cordial friend of Colombia and Ecuador, both for the purposes of the negotiation of the treaty itself, and to prevent at any time the weakening of the bonds of friendship between Ecuador and Colombia. The treaty shall declare that the Government of Ecuador renounces any former agreement which this same government may have entered into with a third party dealing with alliances against Colombia. In conformity with these ideas the Representative of Chile in Bogota shall telegraph his Honorable Colleague, the Representative of Chile in Quito.

4th. The Government of Colombia undertakes to telegraph to its representatives at the Congress of Mexico, instructing them to the effect that their opinions and votes in the Congress must be in support of future arbitration, but in no case when of a retro-active character.

5th. The Government of Chile will deliver to that of Colombia a protected cruiser of the 2nd class which will be paid for by Colombia under such conditions as may be stipulated by Chile.

In witness whereof we have hereunto set our hands and seals on the date mentioned above.

FRANCISCO J. HERBOSO,

E. E. and Minister Plenipotentiary of the Republic of Chile.

MIGUEL ABADÍA MENDEZ,

Minister of Foreign Relations of Colombia.

PROTOCOL OF THE 17TH JANUARY, 1902

The Envoy Extraordinary and Minister Plenipotentiary of the Republic of Chile and the Minister of Foreign Relations of the Republic of Colombia, in Bogotá, on the 17th of January, 1902, have agreed with respect to the following:

1st. So that Colombia may be in a position to carry out in good time the engagement entered into with the Government of Chile,

contained in a Protocol of this same date relative to the return of the cruiser which the latter has ceded to the former, the Government of Chile agrees to give Colombia at least ninety days' notice of the exact date upon which the cruiser will be required.

2nd. Should the Government of Chile, exercising the right which the above-mentioned protocol confers, request the return of the cruiser owing to an international war, it shall have to furnish the notice mentioned in the foregoing article previous to the declaration of war so as to protect that nation, under any circumstance, from risks of any nature.

3rd. The Government of Chile will sell to that of Colombia the ammunition, stores and other material required to take it to Colombian waters in the port of Panama; as well as those which may be considered necessary for the vessel to undertake a voyage and go into action, should the occasion arise.

Payment for this material shall be effected in Panama to such persons as the Government of Chile may designate, or to the Chilean Minister in Bogotá, should the creditor esteem it more convenient.

Notice is hereby given that this protocol must be submitted to the decision of the Government of Chile together with that which is referred to herein.

In witness whereof we have signed two of the same purport, approved by our seals.

(L. S.) MIGUEL ABADIA MENDEZ.

(L. S.) FRANCISCO J. HERBOSO.

PROTOCOL OF THE 17TH JANUARY, 1902

The Envoy Extraordinary and Minister Plenipotentiary of the Republic of Chile and the Minister of Foreign Relations of the Republic of Colombia, assembled in the Ministry of Foreign Relations in Bogotá on the 17th of January, 1902, are agreed with respect to the following:

The Government of Colombia undertakes to allow the free transit at all times through the Isthmus of Panama, of armament for the Government of Chile; and Chile, in turn and as covenanted, engages to forestall whatever difficulty to the Government of Colombia might ensue as a consequence of this concession: and, especially, to aid with loans, subsidies and assistance or in such a manner as may be considered best to avoid the conflict which might overtake Colombia owing to the exercise (by Chile) of this concession.

This protocol is of a confidential nature, as will be the treaty which may be negotiated. On this account strict secrecy shall be observed respecting them, and the same reserve will be maintained in furnishing information thereon to officials or assemblies which are to ratify and approve them. It shall also be agreed that the protocol will be submitted to the decision of the Government of Chile; and that the Treaty shall be submitted to the approval of the Chilean Congress as required by the Constitution of that country.

In witness whereof, etc.,

(Signed)

FRANCISCO J. HERBOSO.

(Signed)

MIGUEL ABADIA MENDEZ.

AGREEMENT RELATIVE TO THE ARBITRATION OF BOUNDARIES AND
THE SETTLEMENT OF OTHER MATTERS AT ISSUE BETWEEN
THE REPUBLICS OF COLOMBIA AND ECUADOR.

Since the settlement by direct agreement of all the differences which may arise between the Republics of Colombia and Ecuador, to which reference is made in Clause 3 of the protocol of this same date, subscribed by the signatories of this covenant, is at the present time prevented by the agreement entered into by Colombia in the Tripartite Boundaries Convention—negotiated between the Governments of Colombia, Ecuador and Peru on the 15th of December, 1894, and already approved by the Colombian and Peruvian Congresses—owing to which the Colombian Government cannot now lawfully disregard the engagement referred to nor enter into any direct agreement on this point with Ecuador, unless the Congress of that nation should withhold its approval from that treaty which would thus bring about the situation contemplated in Article 5 thereof,

The undersigned, to wit: Miguel Abadía Mendez, Minister of Foreign Affairs of the Republic of Colombia and Francisco J. Herboso, E. E. and Minister Plenipotentiary of the Republic of Chile, conforming to the instructions of their respective governments, who desire to secure, either by direct agreement or through the mediation of the Government of the Republic of Chile, the settlement of the boundary disputes and other differences which may arise between Colombia and Ecuador, are agreed upon the following:

Provided the Congress of the Republic of Ecuador refuses to approve the Tripartite Boundaries Convention, negotiated and signed in the city of Lima on the 15th of December, 1894, by the

Plenipotentiaries of the Governments of Colombia, Ecuador and Peru, the Government of the first mentioned Republic binds itself to that of the second to abstain from exercising the right which Article 5 of the Tripartite Treaty, already referred to, concedes; that is to say, the right to adhere, purely and simply, to the Boundaries Convention signed between Ecuador and Peru on the 1st of August, 1887; and it binds itself, likewise, at the request of the Ecuadorean Government, to tender its good offices to secure the withdrawal from the arbitration proceedings of Spain, at present agreed upon as a first selection by Ecuador and Peru, to resolve their boundary disputes; but neither of these two engagements shall be binding except in case the Republic of Ecuador shall previously have exchanged with that of Colombia international treaties in which a direct settlement, finally and without possibility of appeal, is secured of the boundary disputes of these two countries and of the other issues which, up to the present, are in abeyance between them; or provided that such treaties, not having been perfected within the period of two years reckoned from the date of the acceptance, pure and simple, of this agreement by the Republic of Ecuador, a treaty shall have been concluded—also previous to the time within which Colombia must declare, in conformity with Article 5 already mentioned, whether she adheres or not to the Convention of the 1st of August, 1887—by which Colombia and Ecuador agree to immediately submit the boundary difficulty and all other questions at issue between both countries, to the friendly arbitration of Chile.

The present agreement shall be submitted to the Government of Ecuador for its approval, and should this be secured, shall be ratified and exchanged by the Governments of Colombia and Chile within the shortest possible time.

In witness whereof we have affixed our hands and seals to two copies of the same purport in the city of Bogotá, on the 18th of January, 1902.

(L. S.) MIGUEL ABADÍA MENDEZ.

(L. S.) FRANCISCO J. HERBOSO.

National Executive Power.

Approved:

JOSE MANUEL MARROQUIN.

*The Minister of Finance, in charge of the
Ministry of Foreign Relations,*

Miguel Abadia Mendez.

BOGOTÁ, 18th of January, 1902.

PROTOCOL

The undersigned, to wit: Miguel Abadía Mendez, Minister of Finance, in charge of the Department of Foreign Relations of the Republic of Colombia, and Francisco J. Herboso, E. E. and Minister Plenipotentiary of the Republic of Chile, being assembled in the Ministry of Foreign Relations of Colombia, are agreed upon the following:

1. The Governments of Colombia and Chile desire, once and for all, to intimately draw closer their political and commercial ties and those of every other nature which must, in a permanent manner, bind both Republics. In this understanding they shall proceed to negotiate through their Representatives who subscribe this Protocol, Treaties of Amity, Commerce and Navigation, the Exercise of the liberal professions and Exchange of Publications. In the Treaty of Amity the intimate and perfect accord of both Republics shall be covenanted, while in the Treaty of Commerce the free entry through Pacific ports for the natural products of both countries shall be stipulated, a privilege which may be limited to certain products alone, should this be more convenient and be mutually agreed upon.

2nd. In view of the cordial relations which Chile maintains with Ecuador, it will inform that country respecting the close friendship which from this date binds it to Colombia, and invoking their mutually intimate friendship, shall invite it to sign a Treaty which shall stipulate the most perfect and close harmony between the three Republics. In this treaty, Chile shall perform the offices of the mutual and cordial friend of Colombia and Ecuador, both for the negotiation of the treaty itself and also to prevent at all times the lessening of the good understanding between Colombia and Ecuador.

3rd. So as to give an immediate practical proof of the intimate friendship between Colombia and Ecuador, these two countries shall endeavor to settle by direct agreement, all the difficulties with which they may be confronted, and in case they may not succeed in reaching a direct settlement, they shall arrange to submit such differences to the arbitration of the Government of Chile.

In witness whereof we have affixed our hands and respective seals to two copies of an identical purport, in Bogotá, on the 18th of January, 1902, in the understanding that the present Protocol shall be submitted in advance to the Government of Ecuador for its approval of that part which concerns it, and upon this being

obtained, shall be forwarded to Santiago de Chile for its ratification by the Chilean Government.

(L. S.) MIGUEL ABADÍA MENDEZ,

(L. S.) FRANCISCO J. HERBOSO.

The National Executive.

Approved :

JOSÉ M. MARROQUIN.

BOGOTÁ, *January* 18, 1902.

Nº 115

Protocolos celebrados en Bogotá, entre el Ministro de Relaciones Exteriores de Colombia, Abadía Méndez, y el Ministro de Chile, Herboso, en que se deja ver el propósito de Chile de impedir el arreglo arbitral de los asuntos externos del Perú. Publicación del 19 de octubre de 1902, de "The Sun" de New York.

El Enviado Extraordinario y Ministro Plenipotenciario de la República de Chile y el Ministro de Relaciones Exteriores de la República de Colombia reunidos en el Ministerio de Relaciones Exteriores de la ciudad de Bogotá, el día 29 de septiembre del año 1901, habiendo convenido en hacer constar en la presente acta autorizada con nuestras respectivas firmas las declaraciones siguientes, que hicieron verbalmente en la conferencia celebrada ayer en el Palacio Presidencial, y que el Representante de Chile debe someter posteriormente a su Gobierno:

1. Los Gobiernos de Chile y de Colombia desean una vez por todas estrechar íntimamente los vínculos políticos, comerciales y de todo género que permanentemente deben ligar a las dos Repúblicas. Con tal objeto procederán a celebrar, por medio de los representantes que suscriben la presente acta, tratados de amistad, comercio y navegación, extradición, ejercicio de profesiones liberales y canje de publicaciones. En el Tratado de amistad se ha de estipular la franquicia aduanera, por los puertos del Pacífico, para los productos naturales de los dos países, pudiendo limitarse esta franquicia a sólo determinados productos, si así conviniese mejor y lo resolviesen de mutuo acuerdo.

2. El Gobierno de Chile se dirigirá inmediatamente al del Ecuador para manifestarle el estado de las relaciones entre Chile y Colombia y hará valer la estrecha amistad que une a Chile con el Ecuador para invitar de manera eficaz al Gobierno del último país, procurando obtener esto por los medios a su alcance, para que adopte toda clase de providencias que tiendan a restablecer la

más perfecta armonía entre Colombia y el Ecuador, firmando estos dos Estados un Tratado de neutralidad absoluta en los conflictos que puedan ocurrir entre cualquiera de ellos y otras naciones, o en las disenciones civiles o turbaciones del orden público interno y, en consecuencia, procederán a internar a cualesquiera revolucionarios que maquinen contra el Gobierno de cualquiera de los dos países citados, negando a tal revolución todo auxilio en cualquiera forma o manera.

3. El Gobierno de Chile impartirá instrucciones a su Agente en Quito para que, de acuerdo con el Ministro de Colombia en el mismo lugar, proceda a celebrar con el del Ecuador un Tratado en el que se estipule la amistad perfecta de las tres Repúblicas. En este Tratado, Chile desempeñará el oficio de común y cordial amigo de Colombia y del Ecuador, ya para la celebración del pacto mismo, ya para evitar en todo tiempo que lleguen a relajarse los vínculos de armonía entre el Ecuador y Colombia. En él habrá de estipularse que el Gobierno del Ecuador renuncia a cualquier compromiso anterior que el mismo Gobierno haya contraído con un tercero para alianzas contra Colombia. En este mismo orden de ideas, telegrafiará el Representante de Chile en Bogotá a su Honorable colega el Representante de Chile en Quito.

4. El Gobierno de Colombia se compromete a telegrafiar a sus Representantes en el Congreso de México ordenándoles que sus opiniones y votos en ese Congreso sean en el sentido de sostener el arbitramento prospectivo, y en ningún caso con carácter retroactivo.

5. El Gobierno de Chile cederá al de Colombia un crucero blindado de los de segunda clase, que será pagado por el de Colombia en los términos que fije el de Chile.

En fe de lo cual firmamos y sellamos la presente acta en la fecha arriba expresada.

FRANCISCO J. HERBOSO,
*Enviado Extraordinario y Ministro Plenipotenciario
de la Republica de Chile.*

MIGUEL ABADÍA MÉNDEZ,
Ministro de Relaciones Exteriores de Colombia.

PROTOCOLO

El Enviado Extraordinario y Ministro Plenipotenciario de la República de Chile y el Ministro de Relaciones Exteriores de la República de Colombia, en Bogotá, el día 17 de enero de 1902, hemos convenido en lo siguiente:

1. Para que Colombia pueda cumplir oportunamente la obligación contraída para con el Gobierno de Chile, en protocolo de esta misma fecha, de devolverle el crucero de guerra que éste ha cedido a aquella, el citado Gobierno conviene en dar a Colombia con noventa días de anticipación, por lo menos, aviso de la fecha precisa en que necesite el crucero.

2. En caso de que el Gobierno de Chile, haciendo uso del derecho que le otorga el citado protocolo, solicitare la devolución del crucero por causa de guerra internacional, deberá dar el aviso de que trata el punto anterior antes de la declaratoria de guerra, a fin de evitarle, en todo caso, complicaciones de cualquiera especie.

3. El Gobierno de Chile venderá al de Colombia las municiones, pertrechos y demás elementos necesarios para traerlo a aguas colombianas en el puerto de Panamá; y también los que se calcule suficientes para que el buque pueda verificar un viaje y librar un combate formal, llegado el caso.

El pago de tales elementos será satisfecho en Panamá y a las personas que determine el Gobierno de Chile; o al Ministro chileno en Bogotá, si así lo cree más conveniente el acreedor.

Se advierte que el presente protocolo deberá someterse a la resolución del Gobierno de Chile, junto con el que en este se refiere.

En fe de lo cual, firmamos dos de un tenor, autorizados con nuestros respectivos sellos.

(L. S.) FRANCISCO J. HERBOSO.

(L. S.) MIGUEL ABADÍA MÉNDEZ.

PROTOCOLO

El Enviado Extraordinario y Ministro Plenipotenciario de la República de Chile y el Ministro de Relaciones Exteriores de la República de Colombia, reunidos en el Ministerio de Relaciones Exteriores de Bogotá, el día 17 de enero de 1902, hemos convenido en lo siguiente:

El Gobierno de Colombia se compromete a permitir el paso libre, en todo tiempo, a través del istmo de Panamá, de los armamentos del Gobierno de Chile; y Chile se compromete, a la vez, en virtud de lo pactado, a prevenir cualquiera dificultad que esta concesión pudiera acarrear a la República de Colombia, y señaladamente a ayudar con préstamos, subsidios, auxilios, o del modo que se juzgue más eficaz, a salvar el conflicto que le hubiera de sobrevenir con motivo del uso de esta concesión.

El presente protocolo es de carácter reservado, lo mismo que el Tratado que se acuerde. Se guardará, por esto, estricta reserva

acerca de ellos, y con igual reserva se dará conocimiento del asunto a los funcionarios o corporaciones que deben ratificarlos y aprobarlos. También se acordará que el protocolo será sometido a la resolución del Gobierno de Chile; y que el Tratado se someterá a la aprobación del Congreso chileno, en armonía con la Constitución de aquel país.

En fe de lo cual, etc.

(Firmado) FRANCISCO I. HERBOSO.

(Firmado) MIGUEL ABADÍA MÉNDEZ.

CONVENIO SOBRE ARBITRAMENTO DE LÍMITES Y ARREGLO DE
OTRAS CUESTIONES ENTRE LAS REPÚBLICAS DE COLOMBIA
Y EL ECUADOR.

Por cuanto para llevar a cabo los arreglos directos de todas las diferencias que puedan surgir entre las Repúblicas de Colombia y el Ecuador, de que se habla en la cláusula tercera del protocolo de esta misma fecha, suscrita por los signatarios de este convenio, se opone hasta ahora el compromiso contraído por Colombia en el pacto tripartito sobre límites que se celebró entre los Gobiernos de Colombia, Ecuador y Perú, el 15 de diciembre de 1894, aprobado ya por los Congresos de Colombia y el Perú, de manera que el Gobierno colombiano no puede hoy legalmente invalidar el citado compromiso ni podría gestionar arreglo alguno directo sobre este particular con el Ecuador, salvo que el Congreso de esa Nación se abstuviera de aprobar dicho pacto, con lo cual llegaría el caso previsto en el artículo quinto del mismo.

Los infrascritos, a saber: Miguel Abadía Méndez, Ministro de Relaciones Exteriores de la República de Colombia; y Francisco J. Herboso, Enviado Extraordinario y Ministro Plenipotenciario de la República de Chile, de acuerdo con las instrucciones de sus respectivos Gobiernos, los cuales desean alcanzar, ora directamente, ora por la mediación del Gobierno de la República de Chile, el arreglo de la cuestión límites y demás diferencias que puedan suscitarse entre Colombia y el Ecuador, han convenido en lo siguiente:

En caso de que el Congreso de la República del Ecuador niegue su aprobación al pacto tripartito sobre límites, celebrado y firmado en la ciudad de Lima, el día 15 de diciembre de 1894, por los Plenipotenciarios de los Gobiernos de Colombia, Ecuador y Perú el Gobierno de la primera de estas tres Repúblicas se obliga para con el de la segunda a abstenerse de hacer uso del derecho que le otorga el artículo quinto del pacto tripartito ya citado, o sea, del derecho de adherirse pura y simplemente a la convención sobre

límites firmada entre el Ecuador y el Perú el día 1° de agosto de 1887, y se obliga, además, como se lo pide el Gobierno ecuatoriano, a interponer sus buenos oficios para alcanzar la renuncia del árbitro español, acordado hasta ahora en primer término, por el Ecuador y el Perú, para fallar sus diferencias sobre límites; pero ninguna de estas dos obligaciones subsistirá sino en el caso de que la República del Ecuador haya canjeado previamente con la de Colombia tratados públicos en que quede arreglada directamente y de modo definitivo e inapelable la cuestión de límites de estos dos países y las demás cuestiones que hasta la fecha están pendientes entre ellos; o siempre que, no habiéndose canjeado tales tratados dentro del plazo de dos años contado desde la aceptación pura y simple de este convenio por la República del Ecuador, se haya canjeado, previamente, también, al momento en que Colombia debe declarar, de acuerdo con el artículo quinto ya citado, si se adhiere o no a la convención de 1° de agosto de 1887, un tratado por el cual Colombia y el Ecuador sometan inmediatamente el asunto de límites y todos los demás asuntos pendientes entre los dos países al amigable arbitramento de Chile.

El presente convenio será sometido a la aprobación del Gobierno del Ecuador, y si ésta se obtuviere, será ratificado y canjeado por los Gobiernos de Colombia y de Chile, dentro del plazo más breve posible.

En fe de lo cual, firmamos dos de un tenor, autorizados con nuestros sellos respectivos, en la ciudad de Bogotá, a 18 de enero de 1902.

(L. S.) MIGUEL ABADÍA MÉNDEZ.

(L. S.) FRANCISCO J. HERBOSO.

Poder Ejecutivo Nacional.

Aprobado:

JOSÉ MANUEL MARROQUIN.

*El Ministro de Hacienda, Encargado del Despacho de
Relaciones Exteriores,*

MIGUEL ABADÍA MÉNDEZ.

PROTOCOLO

Los infrascritos, a saber: Miguel Abadía Méndez, Ministro de Hacienda, encargado del Despacho de Relaciones Exteriores de la República de Colombia, y Francisco J. Herboso, Enviado Extraordinario y Ministro Plenipotenciario de la República de Chile, reunidos en el Ministerio de Relaciones Exteriores de Colombia, hemos convenido en lo siguiente:

1. Los Gobiernos de Colombia y de Chile, desean, una vez por todas, estrechar íntimamente los vínculos políticos, comerciales y de todo género que permanentemente deben ligar a las dos Repúblicas. Con tal objeto, procederán a celebrar por medio de los Representantes que suscriben el presente Protocolo, tratados de amistad, comercio y navegación, ejercicio de profesiones liberales y canje de publicaciones. En el Tratado de Amistad se ha de estipular la íntima y perfecta unión de las dos Repúblicas; y en el Tratado de comercio se habrá de estipular la franquicia aduanera por los puertos del Pacífico para los productos naturales de los dos países, pudiendo limitarse esta franquicia a sólo determinados productos, si así conviniere mejor y lo resolvieren de mútuo acuerdo.

2. Dadas las cordiales relaciones que Chile mantiene con el Ecuador, manifestará a este país la estrecha amistad que desde hoy lo une a Colombia, e invocando su íntima confraternidad, lo invitará a firmar un Tratado en que se estipule la más perfecta y estrecha armonía entre las tres Repúblicas. En este Tratado, Chile desempeñará el oficio de común y cordial amigo de Colombia y del Ecuador, ya para la celebración del pacto mismo, ya para evitar en todo tiempo que lleguen a relajarse los vínculos de armonía entre Colombia y el Ecuador.

3. A fin de llevar desde luego a la práctica la íntima amistad entre Colombia y el Ecuador, estos dos países procurarán arreglar directamente todas las dificultades que pueden presentárseles; y si no pudieren llegar a un acuerdo directo, verán de someterse tales diferencias al arbitraje del Gobierno de Chile.

En fe de lo cual, firmamos dos de un tenor, autorizados con nuestros respectivos sellos, en Bogotá, a 18 de enero de 1902, advirtiéndose que el presente protocolo deberá ser sometido previamente a la aprobación del Gobierno del Ecuador, en la parte que le concierne, y obtenida ésta, será remitido a Santiago de Chile para su ratificación por el Gobierno chileno.

(L. S.) MIGUEL ABADÍA MÉNDEZ.

(L. S.) FRANCISCO J. HERBOSO.

Poder Ejecutivo Nacional.

Aprobado:

JOSE M. MARROQUIN.

*El Ministro de Hacienda, encargado del Despacho de
Relaciones Exteriores,*

MIGUEL ABADÍA MÉNDEZ.

Protest by the Peruvian Government with regard to the Peace Treaty between Bolivia and Chile in 1904. (Bulletin of the Ministry of Foreign Affairs of Peru, vol. VI, p. 129.)

Communication from the Peruvian Minister of Foreign Affairs, Javier Prado Ugarteche, dated the 18th of February, 1905, to the Chilean Foreign Office:

"The delimitation of frontiers, undertaking building operations of a public character, the construction of railroads, entering into agreements relative to the free transit of merchandise and the granting of concessions which may affect the territories and their sovereign rights, are the exteriorization of the exercise of complete and absolute authority which, according to international and civil law, belong alone to the sovereign or owner, but not to the tenant or provisional occupier, which latter is the definition of Chile's position in the territories of Tacna and Arica.

* * * * *

"The stipulated term, mentioned in the treaty of Ancon for the holding of the plebiscite, to decide upon the definite ownership of Tacna and Arica, expired on the 28th of March, 1894; but the plebiscite has so far not been carried out, although the protocol relating thereto, which is an absolute part of the treaty of 1883, was approved on the 16th of April, 1898.

* * * * *

"The question at issue of Tacna and Arica is not a problem with regard to the solution of which two countries are at liberty to contract as they think fit and as best suits their interests. It is an international matter, governed by a treaty, binding both nations which subscribed to it, and to which both pledged their official word. As against situations of greater convenience which may have arisen, the rigid principles of justice and the unquestioned respect for solemn engagements, must always prevail. Neither of these can be ignored without the most grievous injury to rights, civilization and the self-respect of nations.

"The stipulations contained in the peace treaty between Chile and Bolivia respecting the provinces of Tacna and Arica are a further proof of the absolute necessity for the immediate carrying out of the plebiscite contained in the treaty of Ancon. It is inconceivable that this measure should be ignored, and that meanwhile one of the contracting parties to it should celebrate with a third party agreements which necessarily depend upon the final status of these territories, which the above-mentioned plebis-

cite must determine according to the agreement of the 20th of October of 1883.

* * * * *

“Meanwhile the condition which obtains in these territories is without a precedent in the international history of political relations between nations, in so far that a territory, subject to a plebiscite agreed upon in a recognized and public treaty between two countries, should still remain in possession of one of these at the expiration of the term which was agreed upon for the expression of popular opinion which must decide its definite nationality.

“This anomalous and unique situation is entirely contrary to the treaty of Ancon. The expiration of the ten-year temporary occupation which the treaty gave Chile in the territories of Tacna and Arica, should prevent any change being made in the condition of these territories and forbids Chile from entering into agreements and engagements which may affect their status.

* * * * *

“The stipulations of the treaty of Ancon, with reference to the Province of Tacna, were never meant to include territories which, both politically and geographically, comprise the Province of Tarata, which the treaty does not even mention.

“These territories are not in any way included within the line determined by the source of the River Sama, which the treaty of Ancon gives as the northern limit of the Province of Tacna, from its source in the Cordillera bordering on Bolivia to its mouth on the ocean. The source of this river cannot be disputed, as the Peruvian Government has had frequent occasion to mention, in the constant protests which it has addressed to your Excellency's Government.”

Nº 116

Protesta del Perú contra el Tratado de Paz entre Bolivia y Chile de 1904. (Boletín del Ministerio de Relaciones Exteriores del Perú, tomo VI, pág. 129.)

Comunicación del Ministro peruano de Relaciones Exteriores, Javier Prado Ugarteche, del 18 de febrero de 1905, al Ministerio de Relaciones Exteriores de Chile.

* * * * *

La demarcación de fronteras, obras y explotación de ferrocarriles, condiciones de libre tráfico mercantil, obligaciones y concesiones que puedan afectar los territorios y sus derechos señoriales, son actos de dominio en ejercicio de la plena y absoluta disposición de la propiedad y soberanía, y que sólo corresponden, por indiscutible derecho internacional y civil, al señor y dueño, y no al poseedor ó mero ocupante, que es la condición de Chile en los territorios de Tacna y Arica.

* * * * *

Vencióse, en efecto, el 28 de marzo de 1894, el plazo estipulado

en el tratado de Ancón para resolver, en plebiscito, la suerte definitiva de las provincias de Tacna y Arica; y ese plebiscito, sin embargo, no se ha efectuado, á pesar de que se celebró, el 16 de abril de 1898, el protocolo para su ejecución.

* * * * *

La cuestión de Tacna y Arica no es un problema por resolver, sobre el que dos países pueden libremente contratar, como crean más conveniente á sus intereses. Es un asunto internacional, regido por un tratado obligatorio para las dos naciones que lo ajustaron, y que ambas sellaron con su fe pública. A toda razón de conveniencia que se tratase de contemplar, se sobreponen los severos preceptos de la justicia, y el respeto supremo á los pactos contraídos, que no es posible violar sin inferir la más grave ofensa al derecho, á la civilización y á la respetabilidad de las naciones.

Las estipulaciones que contiene el tratado de paz de Chile y Bolivia, referentes á las provincias de Tacna y Arica, hacen aún más ineludible el proceder á la celebración del plebiscito estipulado en el tratado de Ancón, pues es inconciliable que á éste no se le dé cumplimiento, y una de las partes ajuste, en cambio, con un tercero, pactos que se hallan necesariamente sujetos á la condición definitiva de aquellos territorios, que debe resolver el plebiscito establecido en dicho pacto de paz, de 20 de octubre de 1883.

* * * * *

Entretanto, se ha creado en aquellas provincias una situación internacional única, pues no hay precedente en la historia de las relaciones políticas entre las naciones, de un territorio sometido á plebiscito por tratado público y obligatorio entre dos países, que permanezca, sin embargo, de hecho, en poder de uno de ellos, después de vencido el término que se fijó para que se expresara la voluntad popular que debe decidir de su suerte definitiva.

Tal situación, anómala y singular, es contraria al tratado de Ancón, y después de vencidos los diez años de la posesión precaria que ese tratado dió á Chile sobre los territorios de Tacna y Arica, impide á éste modificar, en cualquier forma, la condición de aquellos territorios, y contraer obligaciones y compromisos públicos que pueden afectarlos.

* * * * *

Al estipularse en el tratado de Ancón sobre la provincia de Tacna, nunca pudieron comprenderse dentro de ésta, territorios que en su demarcación política y geográfica constituían la provincia de Tarata, á la que, en manera alguna, se refirió aquel tratado.

Esos territorios no se hallan encerrados, en ninguna eventualidad, dentro de la línea fijada por el origen del río Sama, que señala el tratado de Ancón, como lindero norte de la provincia de Tacna, desde su nacimiento en las cordilleras limítrofes con Bolivia hasta su desembocadura en el mar, pues es indiscutible el verdadero origen de ese río, como lo ha hecho presente el gobierno del Perú en las constantes reclamaciones que sobre este punto ha formulado ante el de V. E.

* * * * *

Agreements signed in Santiago in 1902 between the representatives of Chile and the Argentine Republic to procure that the latter would not interfere in the question of the Pacific. (Treaties, etc., entered into by the Argentine Republic, vol. III, p. 45, 48.)

The Chilean minister of foreign relations, Señor Don José Francisco Vergara Donoso, and the envoy extraordinary and minister plenipotentiary of the Argentine Republic, Señor Don José Antonio Terry, having met in conference in the Chilean ministry of foreign relations for the purpose of agreeing upon the rules to which shall be submitted such disputes of whatsoever nature as may disturb the friendly relations which exist between the two countries and of thus rendering permanent the peace so far preserved, notwithstanding the periodic alarms that have arisen from the protracted question of boundaries, the minister of the Argentine Republic declared:

That the intention of his government, in conformity with international policy which it had always observed, was to endeavor in every instance to settle questions with other nations in a friendly manner; that the Government of the Argentine Republic had carried out this policy successfully, adhering to its own rights and respecting to the fullest extent the sovereignty of other nations without concerning itself in their internal affairs or their foreign questions; that, in consequence, it was incapable of entertaining thoughts of territorial expansion; that it would continue in this policy, and that he made these declarations, now that the moment had arrived for Chile and the Argentine Republic to remove all causes of disturbance in their international relations, with the belief that he was giving expression to the public sentiment of his country.

The minister of foreign relations declared, in return, that his government had held and now holds the same high principles that the minister of the Argentine Republic had just given expression to in the name of his government; that Chile had given numerous proofs of the sincerity of its aspirations by incorporating in its international agreements the principle of arbitration as a means of settling questions with friendly nations; that, respecting the independence and integrity of other States, it, too, entertains

no thoughts of territorial expansion except such as may result from the carrying out of treaties now in force or hereafter to be negotiated; that it would continue in this policy; that, happily, the question of boundaries between Chile and the Argentine Republic had ceased to be a menace to peace now that both countries were awaiting the speedy decision of His Britannic Majesty; that, in consequence, in the belief that he interpreted the public sentiment of Chile, he made these declarations, thinking, as did the Argentine minister, that the moment had arrived for removing all cause of disturbance in the relations between the two countries.

In view of this uniformity of principles, it has been agreed:

First. To draw up a general arbitration treaty which shall guarantee the fulfilment of the declarations cited.

Second. To include in the protocol the present conference, the import of which shall be considered an integral part of the arbitration treaty itself.

In witness whereof they have signed two copies of this document, the 28th day of May, 1902.

J. A. TERRY.

J. F. VERGARA DONOSO.

The Envoy Extraordinary and Minister Plenipotentiary of the Argentine Republic, Señor José Antonio Terry, and the Minister of Foreign Relations of Chile, Señor José Francisco Vergara Donoso, being assembled in the Ministry of Foreign Relations of the Republic of Chile for the purpose of dissipating the slight misunderstandings which have arisen between both countries, and of investing the agreements signed on the 28th of May last, with all the importance to which they are entitled owing to the lofty aims which inspired them, the Plenipotentiaries, being duly authorized, stated that their respective Governments are agreed upon the following:

1st. That arbitration cannot be invoked between the parties with regard to the fulfilment of treaties now in force, or to any which may be derived from these, to which the Preliminary Declaration (*Acta preliminar*) of the Arbitration Agreement refers; and that therefore it shall not be lawful for one of the contracting governments to interfere respecting the method which the other may adopt in the fulfilment of those treaties.

2d. That the fulfilment of Article 1, Part 2, of the Naval Armaments Convention, by virtue of which a reasonable parity

(*discreta equivalencia*) between both navies is to be established, does not require that ships be disposed of, since this reasonable parity may be secured through disarmament or other means as far as is convenient, so that both Governments may maintain the necessary fleets; for the one, to secure the natural defense of the Republic of Chile, confining her sphere of action (*destino permanente*) to the Pacific, and for the other, to secure the natural defense of the Argentine Republic confining her sphere of action to the Atlantic and River Plate.

3rd. That the agreements above referred being under deliberation by the Parliaments of both countries, knowledge of the present compact be transmitted to them.

Signed in duplicate in Santiago on the tenth of July, nineteen hundred and two.

J. A. TERRY.

J. F. VERGARA DONOSO.

Nº 117

Actas firmadas en Santiago, en 1902, entre los representantes de Chile y de la República Argentina para asegurar la no intervención de ésta última en la cuestión del Pacífico. (Tratados, etc., celebrados por la República Argentina, t. III, págs. 45 y 48.)

Reunidos en el Ministerio de Relaciones Exteriores de Chile el Enviado Extraordinario y Ministro Plenipotenciario de la República Argentina, señor don José Antonio Terry, y el Ministro del ramo, señor don José Francisco Vergara Donoso, con el objeto de acordar las reglas a que deberán someterse las divergencias de cualquiera naturaleza que pudieran perturbar las buenas relaciones existentes entre uno y otro país, y de consolidar así la paz, conservada hasta ahora no obstante las alarmas periódicas nacidas del largo litigio de límites; el señor Ministro Plenipotenciario de la República Argentina manifestó: que los propósitos de su Gobierno, conforme con la política internacional que constantemente había observado, eran procurar en todo caso resolver las cuestiones con los demás Estados de un modo amistoso; que el Gobierno de la República Argentina había obtenido ese resultado manteniéndose en su derecho y respetando en toda su latitud la soberanía de las demás naciones, sin inmiscuirse en sus asuntos internos ni en sus cuestiones externas; que, de consiguiente, no podía tener cabida en su ánimo propósito de expansiones territoriales; que perseveraría en esa política y que, creyendo interpretar

el sentimiento público de su país, hacía estas declaraciones ahora que había llegado el momento de que Chile y la República Argentina removieran toda causa de perturbación en sus relaciones internacionales.

El Señor Ministro de Relaciones Exteriores expuso por su parte que su Gobierno ha tenido y tiene los mismos elevados propósitos que el Señor Ministro de la República Argentina acababa de expresar en nombre del suyo; que Chile había dado numerosas pruebas de la sinceridad de sus aspiraciones, incorporando en sus pactos internacionales el principio del arbitraje para solucionar las dificultades con las naciones amigas; que, respetando la independencia e integridad de las demás Estados, no abriga tampoco propósito de expansiones territoriales, salvo las que resultaren del cumplimiento de los Tratados vigentes o que más tarde se celebraren; que perseveraría en esa política; que felizmente la cuestión de límites entre Chile y la República Argentina había dejado de ser un peligro para la paz, desde que ambos aguardan el próximo fallo arbitral de Su Majestad Británica; que, por consiguiente, creyendo interpretar el sentimiento público de Chile, hacía estas declaraciones, pensando, como el Señor Ministro Argentino, que había llegado el momento de remover toda causa de perturbación en las relaciones entre uno y otro país.

En vista de esta uniformidad de aspiraciones quedó acordado:

1°. Celebrar un Tratado General de Arbitraje que garantizara la realización de los propósitos referidos;

2°. Protocolizar la presente conferencia, cuya acta se consideraría parte integrante del mismo Tratado de Arbitraje.

Para constancia, firmaron dos ejemplares de la presente acta a los 28 días del mes de mayo de 1902.

J. A. TERRY.

J. F. VERGARA DONOSO.

Reunidos en el Ministerio de Relaciones Exteriores de Chile el Enviado Extraordinario y Ministro Plenipotenciario de la República Argentina, Señor don José Antonio Terry, y el Ministro del ramo, don José Francisco Vergara Donoso, a fin de desvanecer las ligeras dudas suscitadas en ambos países y dar a los pactos firmados el 28 de mayo último todo el prestigio que les corresponde por los elevados propósitos con que han sido celebrados, los señores Ministros debidamente autorizados, dijeron que sus respectivos Gobiernos estaban de acuerdo:

1°. En que no puede ser materia de arbitraje entre las partes la ejecución de los tratados vigentes o de los que fueron consecuencia de los mismos, a que se refiere el Acta preliminar del Pacto de Arbitraje; y de consiguiente, en que no hay derecho por parte de uno de los Gobiernos Contratantes a inmiscuirse en la forma que el otro adopte para dar cumplimiento a aquellos Tratados.

2°. En que la ejecución del Artículo 1°, parte 2°, de la Convención sobre Armamentos Navales, en virtud de la cual debe establecerse una discreta equivalencia entre las dos Escuadras, no hace necesaria la enajenación de buques, pues puede buscarse dicha discreta equivalencia en el desarme u otros medios en la extensión conveniente, a fin de que ambos Gobiernos conserven las Escuadras necesarias, el uno para la defensa natural y el destino permanente de la República de Chile en el Pacífico, y el otro para la defensa natural y destino permanente de la República Argentina en el Atlántico y Río de la Plata.

3°. En que hallándose las referidos Pactos sometidos a la deliberación de los Congresos de uno y otro país, debe darse a estos Congresos conocimiento de la presente Acta.

En fe de lo cual, firman esta Acta en doble ejemplar en Santiago, a 10 de julio de 1902.

J. A. TERRY.

J. F. VERGARA DONOSO.

Attempt by Chile to provoke war between Bolivia and Peru on account of the award of the Argentine Republic, in the arbitration proceedings upon the boundaries between Bolivia and Peru. (Telegrams exchanged between the Bolivian Legation in Chile and the Bolivian Ministry of Foreign Affairs and published in *El Comercio* of Lima, July 31 and August 3, 1909.)

LA PAZ, *July 11, 1909.* [To] Bolivian Legation-Santiago.

Report respecting the attitude of the Chilean Government and of that country with reference to the arbitration award in our boundary question with Peru, which must already be known there. Much indignation is felt here against Argentina and Peru. Dominant impression is that award must be rejected. Government is awaiting certain information before defining its attitude and has instructed our Legation in Argentina not to attend the audience to which it had been invited for the purpose of hearing the verdict. We are desirous of being informed whether we could count upon the sympathy of the Chilean Government in case award were rejected. Last night mobs stoned the Legations of Argentina and Peru which are, to-day, being protected by troops.—GOYTIA (Minister of Foreign Relations [of Bolivia].)

SANTIAGO, CHILE, *July 12.* Minister Foreign Relations, La Paz.

Public opinion and press display much interest. Much excitement caused by arbitration award. Sympathy for Bolivia is sincere, decided and unanimous. Minister of Foreign Relations spontaneously tendered offer of mediation by American states to avoid conflict but wishes to act in agreement with Brazil.—ARCE (Chargé d'Affaires of Bolivia in Chile.)

SANTIAGO, CHILE, *July 12.* Foreign Relations, La Paz.

The Government of Chile desires that the disassociation of the Argentine Republic be secured so that Bolivia may then count upon Chile's decided and absolute sympathy.—ARCE.

LA PAZ, *July 13.* Bolivian Legation, Santiago, Chile.

Government has decided not to accept award but desires to

maintain a calm attitude so as to strengthen its cause. Escalier has received instructions, which have not been communicated to any one, even here, to notify Argentine Government that award will not be accepted.—GOYTIA.

SANTIAGO, CHILE, *July 13.* Foreign Relations, La Paz.

When it became publicly known that Peru is sending troops to the frontiers of Bolivia, a wave of enthusiasm in favor of Bolivia is manifest. Greetings.—ARCE.

SANTIAGO, CHILE, *July 13.* Foreign Relations, La Paz.

Ministers and leading men have expressed intense sympathy for Bolivia. They advise me that enthusiasm is restrained for fear that Bolivia may place them in an awkward position. They offer to launch Ecuador against Peru and to furnish many well-known officers who have studied Peru; that to bungle matters or show signs of fear would to-day be the loss of Bolivia and perhaps her ruin, and that a foreign war is better than a civil war. They believe that if Bolivia shows determination for war Peru will draw back. Greetings.—ARCE.

SANTIAGO, CHILE, *July 13.* Foreign Relations, La Paz.

It is asked that Legation advise Government of Bolivia to mobilize its troops immediately. Greetings.—ARCE.

LA PAZ, *July 14.* Bolivian Legation, Santiago, Chile.

State definitely who counsels mobilization of troops.—GOYTIA.

SANTIAGO, CHILE, *July 15.* Foreign Relations, La Paz.

According to weightiest opinions of Chile, Bolivia should ostensibly mobilize troops and not expect justice except as may be secured from her attitude expressive of a determination to declare war. Minister of Foreign Relations gave me the information respecting the mobilization of Peruvian troops against Bolivia.—ARCE.

SANTIAGO, CHILE, *July 17.* Foreign Relations, La Paz.

Government of Chile urgently counsels Bolivia to enter into agreement with Ecuador. As there is no Bolivian Legation, Chilean Minister in La Paz is authorized to communicate in cipher with Chilean Minister in Ecuador.—ARCE.

SANTIAGO, CHILE, *July 17.* Foreign Relations, La Paz.

Minister of Foreign Relations reiterates the necessity for re-establishing cordial relations with Argentina so as to isolate Peru. Believes war with Peru unavoidable unless well-prepared thereto. Chile will observe neutrality. Consider myself authorized to offer almost all the armament which may be necessary. One hundred sergeant instructors and one hundred officers, and in addition he asks me to ascertain what sum Bolivia would require to amply meet all emergencies, desiring me to lose no time because should Bolivia make preparations later, the hand of Chile will be seen therein. The foresight in arming will not be wasted. It may be a fatal error to believe in peaceful relations with Peru whose intentions are not known to other nations.—ARCE.

SANTIAGO, CHILE, *July 19.* Foreign Relations, La Paz.

Peru continues sending troops on war footing. The moment is favorable for the realization of our aspirations regarding an outlet to the sea. Chile guarantees our victory, furnishes money, armament, officers and men. Secures the assistance of Ecuador and of Brazil and the neutrality of Argentina; even if only in prevision of any emergency I beg you to accept the offer. This is the most vital moment in our history. Chile asks for nothing in return; she only wishes to put an end to the matter of the captive provinces and no longer be a neighbor of Peru. She might even go so far as to guarantee the definite possession of our port; she begs to be immediately advised whether you require up to one million pounds sterling or more and whether the customs receipts of some port or anything else can be given as security. Greetings.—ARCE.

LA PAZ, *July 20.* Bolivian Legation, Santiago, Chile.

We require fifteen thousand rifles and fifteen million rounds of ammunition; twenty-four machine guns with proportional ammunition; thirty field guns with ammunition, horses and harness; three hundred horses with saddles and two hundred mules. If that government can supply us with this equipment, it must be shipped at once to Antofagasta. We shall require, in addition, one million pounds sterling to undertake a long campaign free from anxiety respecting funds. With regard to commanders and officers which we shall require, await later instructions.—MONTES (President of the Republic); GOYTIA.

SANTIAGO, CHILE, *July 22.* Foreign Relations, La Paz.

Government is acting through intermediaries extra-officially. It would appear as though Bolivian Government had not approved my conduct for I note that difficulties are being put in my way. However, all the necessary equipment will soon be shipped. With reference to the loan of one million pounds, it will surely be forthcoming, but the Legation requires special authorization by cable to treat, giving as security the Customs of Antofagasta and another subsidiary Customs house.—ARCE.

LA PAZ, *July 22.* Bolivian Legation, Santiago, Chile.

Government has not disapproved your procedure, on the contrary, ratified through Chilean Minister at La Paz the arrangements respecting armament. You can show this telegram to Minister of Foreign Relations. Shipment of armament to Antofagasta is very urgent as is that of horses and mules. Minister Alberto Gutierrez will be in Antofagasta on the 31st and will proceed as rapidly as possible to Santiago. Referring to the security for the loan, shall communicate tomorrow. We are informed that Peruvian agents in Valparaiso are buying horses, mules and stores there. Twenty-seven hundred troops of all arms will soon arrive in Puno, which Lima Government has decided to station there. MONTES; GOYTIA.

LA PAZ, *July 23.* Bolivian Legation, Santiago.

The rifles desired must be Mauser modern type, calibre seven millimetres whose ammunition fits the rifles we already have.—MONTES.

SANTIAGO, CHILE, *July 23, 1909.* Foreign Relations, La Paz.

Government guarantees that stores for Peru shall not be allowed to leave Valparaiso. With regard to those which have been offered to Bolivia, I shall, this afternoon, advise date of shipment.—ARCE.

LA PAZ, *July 23.* Bolivian Legation, Santiago.

Urgent. Let us know what conditions are required for million pound loan in addition to security of the Antofagasta Customs receipts. We understand here that it is to be issued at par. Very convenient to know when you will ship war-stores ordered.—MONTES; GOYTIA.

SANTIAGO, CHILE, *July 23.* Foreign Relations, La Paz.

I repeat that government is dealing through third parties. Financial organizations are the intermediaries acting on a commission basis. Information could not be supplied me today, will furnish it tomorrow.—ARCE.

LA PAZ, *23rd July.* Bolivian Legation, Santiago.

El Comercio of Lima publishes news today that Chile is offering money and armament to Bolivia and states it possesses full information from here, which cannot be true, since we have maintained the utmost secrecy with regard to the transactions that Legation is effecting. Very probably the publication is merely the outcome of Peru's suspicions on account of our firm attitude.—MONTES; GOYTIA.

SANTIAGO, *July 24.* Foreign Relations, La Paz.

Minister of Foreign Relations suggests that Bolivian Government issue official denial. The Bolivian cipher should be changed.—ARCE.

LA PAZ, *July 24.* Bolivian Legation, Santiago, Chile.

Legation in Peru was immediately instructed to correct statement made by "*El Comercio*."—MONTES; GOYTIA.

LA PAZ, *July 24.* Bolivian Legation, Santiago, Chile.

You can offer the receipts of the Antofagasta Customs as security for the loan, stating that these amply suffice to cover the interest charges since the income exceeds two million "bolivianos."—MONTES; GOYTIA.

SANTIAGO, *July 25.* Foreign Relations, La Paz.

Postponement necessary as far as loan is concerned. Cannot advise date of shipment of arms as I distrust cipher.—ARCE.

SANTIAGO, CHILE, *July 26.* Foreign Relations, La Paz.

Minister of Foreign Relations wishes to be informed whether Bolivia would consent to intervention by Chile to enable Bolivia to secure honorable and peaceful settlement.—ARCE.

SANTIAGO, CHILE, *July 26.* Foreign Relations, La Paz.

Chile endeavoring to gain time for following reasons. State-

ment of Minister Escalier in Montevideo that Bolivian Congress will execute award. Declaration of Minister Vega that Bolivia will effect a settlement with Peru; attitude of Brazil which has completely veered round and is now favorable to Peru; friendly interposition of Legation. The news that Bolivia is about to accept the award upon the promise of Peru to grant territorial compensation; that Santiago is only five days distant from La Paz and would be able to furnish assistance. The promise of help will certainly be kept in case war becomes a certainty.—ARCE.

LA PAZ, *July 27*. Bolivian Legation, Santiago, Chile.

We would see with pleasure Chile initiating steps looking towards honorable and peaceful settlement but before or subsequently it is absolutely necessary she provide us with the armament and money we ask for, which will be more effective than any diplomatic action for the settlement of matters with Peru and to peacefully accept arrangements which, for us, can only be on a basis of a recognition in our favor of the Customs, industrial and military possessions which we hold in a district of 425 square leagues between the Acre and Madre de Dios, and between meridians 71.20 and 72 Paris; it being understood that Bolivia will always cooperate with Chile, even subsequent to a peaceful settlement with Peru, assisting, in turn, in the settlement of her matters at issue with that same country.—MONTES; GOYTIA.

LA PAZ, *July 28*. Bolivian Legation, Santiago, Chile.

General Staff War Department advises preference for mountain artillery, cattle for which is easier to secure and care for. Therefore better request thirty units mountain artillery instead of field, previously mentioned.—MONTES; GOYTIA.

Nº 118

Manejos de Chile para procurar una guerra entre el Perú y Bolivia con motivo del fallo argentino en el litigio sobre límites entre esos dos países. (Telegramas cambiados entre la Legación de Bolivia en Chile, y el Ministerio de Relaciones Exteriores de Bolivia, y publicados en *El Comercio* de Lima, el 31 de julio y 3 de agosto de 1909.)

La Paz, 11 de julio, LEGACIÓN BOLIVIANA, SANTIAGO CHILE.
Comunique impresiones de ese gobierno y de ese país respecto

laudo arbitral límites con Perú que ya debe ser conocido allí. Hay gran indignación contra la República Argentina y Perú. Opinión dominante rechazar laudo. Gobierno espera ciertos datos para definir su actitud habiendo instruido nuestra legación en Argentina no concurra á audiencia á que fué invitada para notificación laudo. Interesa conocer si tendremos simpatías ese gobierno caso protestar laudo. Anoche pueblo arrojó piedras legaciones Argentina, Perú, que están hoy protegidas por cuerpos ejército.—GOYTIA.

Santiago Chile, 12 de julio, RELACIONES, LA PAZ.

Opinión y prensa muestran gran interés. Hay excitación contra fallo arbitral. Simpatía por Bolivia es franca, resuelta y unánime. Ministro de relaciones ofreció espontáneo mediación americanista para impedir cualquier conflicto, pero quiere proceder de acuerdo con Brasil. Saludos.—ARCE.

Santiago Chile, 12 de julio, RELACIONES, LA PAZ.

Gobierno Chile dice que para que Bolivia pueda encontrar su decidida, amplia simpatía desea se procure separar de toda contienda la Argentina. Saludos.—ARCE.

La Paz, 13 de julio, LEGACIÓN BOLIVIANA, SANTIAGO CHILE.

Gobierno tiene resuelto no aceptar laudo, pero quiere mantener actitud tranquila para dar más vigor á su causa. Ministro Escalier tiene instrucciones que todos ignoran aquí mismo para hacer saber gobierno argentino que laudo no será aceptado.—GOYTIA.

Santiago Chile, 13 de julio, RELACIONES, LA PAZ.

Al saberse públicamente que Perú envía fuerza á frontera Bolivia, aparece fiebre de entusiasmo favor Bolivia. Saludos.—ARCE.

Santiago, 13 de julio, RELACIONES, LA PAZ.

Ministros y altas personalidades simpatizan ardientes con Bolivia. Dícenme que se disimula entusiasmo por temor de que Bolivia los deje en situación desairada. Ofrece precipitar contra Perú al Ecuador. Ofrece muchos oficiales ilustrados que han estudiado el Perú. Dicen que claudicar, mostrar timidez sería hoy la perdición de Bolivia, tal vez su ruina. Dicen que es pre-

ferible una guerra exterior y no íntima. Creen que si Bolivia se muestra resuelta para guerra Perú retrocederá. Saludos.—ARCE.

Santiago Chile, 13 de julio, RELACIONES, LA PAZ.

Piden á legación aconsejar á gobierno de Bolivia que movilice inmediatamente tropas. Saludos.—ARCE.

La Paz, 14 de julio, LEGACIÓN BOLIVIANA, SANTIAGO CHILE.

Precise quien aconseja movilidad tropas.—GOYTIA.

Santiago Chile, 15 de julio, RELACIONES, LA PAZ.

Opiniones más autorizadas de Chile piensan que Bolivia debe movilizar tropas ostensiblemente y no esperar justicia sino de su actitud resuelta para la guerra. Ministro de relaciones me comunicó movilización tropas del Perú hacia Bolivia.—ARCE.

Santiago, 17 de julio, RELACIONES, LA PAZ.

Gobierno chileno aconseja urgentemente que Bolivia se ponga de acuerdo con Ecuador. No existiendo legación de Bolivia autoriza á dirigirse por clave ministro de Chile en La Paz á ministro Chile en Ecuador.—ARCE.

Santiago Chile, 17 de julio, RELACIONES, LA PAZ.

Ministro relaciones reitera necesidad de restablecer cordialidad con Argentina para aislar Perú. Cree que no se evitará guerra con Perú sino estando muy preparado para afrontar. Chile mantendrá neutralidad. Yo me creo habilitado para ofrecer casi todo el armamento que pueda hacer falta. Cien sargentos instructores y cien oficiales, además pide comunicar la cantidad de dinero que necesite Bolivia ampliamente; y pidió hacer luego, porque si se prepara Bolivia después se verá la mano de Chile. La previsión de armar no estará de más. Puede ser una ilusión funesta creer en la paz con el Perú cuya política ignoran naciones.—ARCE.

Santiago, 19 de julio, RELACIONES, LA PAZ.

Perú sigue enviando fuerzas en pié de guerra. Es la ocasión de realizar el ideal de nuestra salida al mar. Chile nos garantiza la victoria nos da dinero, armas, jefes y gente. Nos proporciona la ayuda del Ecuador y del Brasil, y la neutralidad de la Argentina y aunque no fuera sino para cualquiera eventualidad ruego acepte ofrecimiento. Es la ocasión más preciosa en nuestra historia.

Chile no pide nada, sólo quiere terminar la cuestión de las cautivas dejando de ser vecino Perú. Llegaría hasta garantizar la estabilidad de nuestro puerto. Ruega indicar inmediatamente si necesita hasta un millón de libras ó más y si puede dar por garantía alguna entrada aduanera ú otra cosa. Saludos.—ARCE.

La Paz, 20 de julio, LEGACIÓN BOLIVIANA, SANTIAGO CHILE.

Necesitamos quince mil fusiles con quince millones de tiros; veinticuatro ametralladoras con dotación proporcional; treinta piezas de artillería de campaña con respectiva munición y caballos con atalage correspondiente para dicha artillería, más trescientos caballos ensillados y doscientas mulas. Si todos estos elementos nos proporciona ese gobierno deberán embarcar inmediatamente con destino Antofagasta. Además necesitaremos un millón de libras para desarrollar sin cuidados una campaña larga. Respecto á personal jefes y oficiales que también hemos de necesitar irán instrucciones posteriores.—MONTES—GOYTIA.

Santiago Chile, 22 de julio, RELACIONES, LA PAZ.

Gobierno procede por segunda mano, extraoficialmente. Parece que gobierno Bolivia me ha desautorizado, por eso empieza ponerse dificultades, sin embargo, muy pronto saldrá todo armamento pedido. Respecto á empréstito de un millón libras podrá obtenerse seguramente, pero es indispensable autorización expresa cable autorizando á legación y garantizar con aduana Antofagasta y otra subsidiaria.—ARCE.

La Paz, 22 de julio, LEGACIÓN BOLIVIANA, SANTIAGO CHILE.

Gobierno no ha desautorizado a usted, al contrario ratificó mediante ministro Chile La Paz gestión referente á armamentos. Puede mostrar canciller este cable. Urge pronto despacho Antofagasta armamentos pedidos, así como caballos y mulas. Ministro Alberto Gutiérrez estará en Antofagasta 31 julio, para seguir rápido Santiago. Respecto garantías para empréstito comunicaremos mañana. Avisan de Valparaíso que agentes Perú compran allí activamente caballos, mulas y pertrechos guerra. Estarán próximamente en Puno 2,700 hombres de todas armas que gobierno de Lima ha resuelto situar allí.—MONTES—GOYTIA.

La Paz, 23 de julio, LEGACIÓN BOLIVIANA, SANTIAGO.

Fusiles pedidos deben ser precisamente Mauser moderno,

calibre 7 milímetros, cuya munición corresponde á los fusiles que tenemos.—MONTES.

Santiago Chile, 23 julio, RELACIONES, LA PAZ.

Gobierno garantiza que no irá de Valparaíso ningún pertrecho guerra para Perú. Los ofrecidos para Bolivia comunicaré esta tarde cuando salen.—ARCE.

La Paz, 23 de julio, LEGACIÓN BOLIVIANA, SANTIAGO.

Avise urgente qué condiciones indican para empréstito un millón libras aparte de garantía sobre ingresos aduana Antofagasta. Aquí entendemos debe ser á la par. Muy útil saber cuando embarca elementos de guerra pedidos.—MONTES—GOYTIA.

Santiago, Chile, 23 julio, RELACIONES, LA PAZ.

Repito gobierno Chile procede por segunda mano. Intervienen instituciones de crédito y ganarán comisión. No pudieron proporcionarme hoy datos pedidos, los darán mañana.—ARCE.

La Paz, 23 de julio, LEGACIÓN BOLIVIANA, SANTIAGO.

Comercio Lima publica hoy que Chile ofrece Bolivia armas, dinero para guerra asegurando tener datos de aquí, lo cual no es cierto porque guardamos absoluta reserva respecto gestiones que hace esa legación. Probablemente lo publicado en Lima es efecto de suspicacia Perú en vista de nuestra firme actitud.—MONTES—GOYTIA.

Santiago, 24 julio, RELACIONES, LA PAZ.

Ministro de relaciones insinúa que gobierno Bolivia haga publicar desmentido oficial. Conviene modificar clave de Bolivia.—ARCE.

La Paz, 24 de julio, LEGACIÓN BOLIVIANA, SANTIAGO, CHILE.

Espontáneamente instruimos legación en Perú rectificar afirmación *Comercio*.—MONTES—GOYTIA.

La Paz, 24 de julio, LEGACIÓN BOLIVIANA, SANTIAGO, CHILE.

Puede US. ofrecer ingresos de aduana Antofagasta en garantía empréstito, manifestando que cubre ampliamente todo servicio porque su rendimiento es superior dos millones bolivianos.—MONTES—GOYTIA.

Santiago, 25 de julio, RELACIONES, LA PAZ.

Impónese aplazamiento en cuanto obtener dinero. No debo comunicar cuando sale armamento pedido por desconfianza en clave.—ARCE.

Santiago, Chile, 26 de julio, RELACIONES, LA PAZ.

Ministro de relaciones exteriores desea se le comunique si Bolivia acepta que Chile tome acción para que Bolivia pueda llegar á un arreglo honroso y pacífico.—ARCE.

Santiago, Chile, 26 de julio, RELACIONES, LA PAZ.

Chile trata ganar tiempo por razones siguientes: declaración ministro Escalier en Montevideo que congreso de Bolivia aceptará laudo; afirmación ministro Vega que Bolivia arreglarase con el Perú; actitud de Brasil que cambió completamente hasta ser favorable Perú; intervención amigable legación Noticias que Bolivia está en vías aceptar laudo mediante ofrecimiento que Perú cederá territorios; que Santiago está á cinco días de La Paz y podrá ayudar. Siempre se cumplirá ofrecimiento en caso seguridad guerra.—ARCE.

La Paz, 27 de julio, LEGACIÓN BOLIVIANA, SANTIAGO, CHILE.

Veremos gratamente que Chile despliegue acción indicada para buscar arreglo honroso y pacífico, pero antes ó al mismo tiempo es indispensable nos proporcione los elementos y fondos pedidos que serán más eficaces que cualquier gestión diplomática para decidir arreglos con Perú o aceptar arreglos tranquilos que para nosotros sólo pueden ser posibles teniendo por base reconocimiento á favor nuestro de las posesiones aduaneras, industriales, militares que tenemos sobre una extensión de 425 leguas cuadradas entre Acre y Madre de Dios y entre meridianos 71o. 20 y 72 París, siendo entendido que Bolivia dará siempre su cooperación á Chile, aún después de arreglar de modo pacífico con Perú, para ayudar á resolver á su vez sus cuestiones pendientes con ese mismo país.—MONTES—GOYTIA.

La Paz, 28 de julio, LEGACIÓN BOLIVIANA, SANTIAGO, CHILE.

Dirección superior militar aconseja preferir artillería montaña cuyo ganado es más facil conservar y adquirir. Por consiguiente conviene pedir treinta piezas de artillería montaña en lugar de las de campaña antes indicadas.—MONTES—GOYTIA.

Statement contained in the Report of the Ministry of Foreign Affairs of Chile, 1910, which proves the genuineness of said telegrams, p. 47.

"The telegrams sent by Señor Arce to his government and which *El Comercio* of Lima published, assigning to them an importance which they certainly did not possess, gave rise to erroneous impressions with regard to the attitude of Chile which, a short time later, was satisfactorily explained and completely vindicated.

"In the Senate, in its session of the 10th of August of last year (1909), it was found necessary to give a full and detailed explanation of the incidents which had taken place so as to reassure public opinion at home and abroad.

"The consideration due to Bolivia and to her government as well as to the Minister she had recently accredited, induced the writer to give advance information to His Excellency the Envoy Extraordinary and Minister Plenipotentiary of that nation, respecting the incidents which Señor Arce had provoked, before publicity was given to them in the session mentioned above.

"Señor Arce was indeed very unfortunate. Doubtless he acted upon the impulse of his patriotic inspiration and perhaps in part he was urged in this course by the desire for profit of some merchants of inconsiderable standing. The important persons whose names were coupled with this business were fully vindicated for whatever part they may have taken therein.

"It is very satisfactory to be able to declare that this affair, which might, through the publicity of the Press and the credence given to it by foreign governments, have redounded to the detriment of Chile, her international policy and the good repute of her government, were the means, instead, of proving that at no time had she infringed nor intended to infringe, either directly or indirectly, that neutrality which the government thought fit to adopt during the diplomatic incidents which affected Bolivia and the Argentine Republic; it served likewise, to show the scrupulous accord which exists and always has existed between the public declarations of the Government of Chile and its private conduct."

Declaración de la Memoria de Relaciones Exteriores de Chile de 1910 que prueba la autenticidad de esos telegramas, pág. 47.

Los telegramas enviados por el señor Arce á su Gobierno y que *El Comercio* de Lima publicó atribuyéndoles una importancia de que carecían en absoluto, dieron origen á apreciaciones equivocadas sobre la actitud de Chile, que poco después quedó perfectamente explicada y mereció la más plena justicia.

En la sesión del Senado de 10 de agosto del año próximo pasado, hubieron de explicarse con todos sus detalles los acontecimientos ocurridos á fin de calmar la ansiedad pública en el país y en el extranjero.

Las consideraciones debidas á Bolivia, á su Gobierno y al Ministro que acababa de acreditar, indujeron al infrascrito á imponer previamente al Excmo. señor Gutiérrez, Enviado Extraordinario y Ministro Plenipotenciario de ese país, de todos los incidentes que el señor Arce había provocado, antes de hacerlo públicamente en la citada sesión.

El señor Arce fué profundamente desgraciado. Procedió tal vez bajo la sugestión de sus anhelos patrióticos, y en parte también, acaso, estimulado por deseos de lucro de algunos comerciantes de menor cuantía. Las personas respetables cuyos nombres figuraron en ese incidente quedaron plenamente vindicadas de haber tomado parte alguna en él.

Es satisfactorio dejar constancia de que este asunto, que pudo ser llevado á la prensa y ante los Gobiernos extranjeros con desmedro para Chile, su política internacional y el prestigio de su Gobierno, sirvió para probar que en ningún momento había infringido ni intentado infringir, por medios directos ó indirectos, la neutralidad que el Gobierno creyó del caso guardar en los incidentes diplomáticos que afectaban á Bolivia y á la República Argentina; y sirvió también para poner de manifiesto el riguroso acuerdo que hay y ha habido entre las declaraciones públicas del Gobierno de Chile y sus actos privados.

No. 120

Telegram from the Chargé d' Affaires of the U. S. in Lima, dated March 7, 1910, transmitting to the State Department the information supplied by the Peruvian Consul General in Chile to the effect that a vessel with a cargo of arms for Ecuador, had sailed from Chile. (Foreign Relations of the U. S., 1913, p. 1177.)

AMERICAN LEGATION,
Lima, March 7, 1910.

In interview, Minister for Foreign Affairs of Peru informed me the Government of Peru has received information from Consul of Peru at Santiago that Chilean vessel with 15,000 government rifles and military supplies left for Ecuador.

Chile has ordered Peruvian priests to leave Tacna Province. Peruvian Government has ordered all of them to resist forcibly. Crisis may be expected, if such is the case.

Peruvian Legation at Santiago is to be withdrawn. Minister for Foreign Affairs of Peru formally asks United States, if such is the case, to take charge of Peruvian Legation. I await instructions.

CRESSON.

No. 121

**Communication from the Peruvian Consul General in Valparaíso,
to the Ministry of Foreign Affairs of Peru, dated March 16, 1910,
advising the sailing of the armament from Chile to Ecuador.**

Confidential No. 6.]

CONSULATE GENERAL OF PERU,
Valparaíso, March 16, 1910.

To the UNDER-SECRETARY OF FOREIGN RELATIONS, *Lima.*

I wish to confirm my previous confidential communications of the 22nd February, 2nd and 9th of this month, numbered 1, 2 and 3 respectively, this numeration being continued by those which I am sending today.

It is always a motive for satisfaction to a public official when the information he sends to his government is borne out by the events, though in the present instance, the notices which I communicated to you, relative to the armament supplied by Chile to Ecuador, were of so serious a nature, that their confirmation has considerably grieved me as a Peruvian. I would far rather that they had been contradicted, for their consummation is very depressing, since all this valuable material is now in possession of Ecuador, as you will have seen by the arrival of the *Baquedano* and the *Maullin* at Guayaquil on Saturday the 12th, according to advices received by the papers, by the government and by the charterers of the last named vessel.

I cabled you yesterday in cipher on this subject.

I should mention that here, no secrecy has been observed whatever, the only fears expressed being with regard to the small steamer *Maullin* which was much overloaded, so that the news of its arrival has been received with great satisfaction by everybody and even by the Chilean Government, as you will note from the newspaper clipping which I enclose.

Nothing could exceed the cynicism of the whole proceedings, and though the Press does not enter into complete details, it publishes contradictory statements.

The initiator of this machiavellian policy is the Minister of Foreign Relations, Sr. Edwards, whose boast it is to direct Chile's foreign policy entirely as he pleases and according as he sees fit.

* * * * *

I am sending herewith full particulars respecting the armament taken by the *Baquedano* and the *Maullín*, from the date of sailing of both vessels with a different destination to that which was then given out; Minister Edwards' declarations made during the course of an interview granted to a reporter, relative to the voyage of the *Baquedano* and which caused something of a sensation here; the comments of the Press thereon and the arrival of the ships at Guayaquil, a complete and additional chapter of Chilean treachery towards Peru.

R. COLMENARES.

Nº 121

Nota del Cónsul General del Perú en Valparaíso al Ministerio de Relaciones Exteriores del Perú, de 17 de marzo de 1910, dando cuenta del envío de armamentos de Chile al Ecuador.

CONSULADO GENERAL DEL PERU,
Valparaíso, marzo 16 de 1910.

Reservado Nº. 6.]

Señor Oficial MAYOR DEL MINISTERIO DE RELACIONES EXTERIORES, LIMA.

Le confirmo a US. mis anteriores comunicaciones reservadas de 22 de febrero, 2 y 9 del presente, que les corresponde los numeros 1, 2 y 3, respectivamente, siguiendo esta numeración las que hoy dirijo a US.

No deja de ser una satisfacción para el funcionario la confirmación de las noticias que dá a su Gobierno, pero en el presente caso las que yo trasmitiera a US. sobre los armamentos proporcionados por Chile al Ecuador eran de tanta gravedad, que su comprobación me ha violentado como peruano. Hubiera preferido verlas desmentidas; pero la realidad es desconsoladora, porque todo ese valioso material se encuentra actualmente en poder del Ecuador, como habrá sabido US. por la llegada de la *Baquedano* y el *Maullín* a Guayaquil, el sábado 12, según aviso recibido aquí por los diarios, el Gobierno y la casa fletadora del segundo.

Ayer puse a US. un cablegrama en clave sobre el particular.

Diré a US. que aquí no se hace misterio del asunto. Se temía por la suerte del vaporcito *Maullín* que iba muy cargado, de modo que la noticia de su llegada fue recibida con júbilo por todo el mundo y por el mismo Gobierno chileno, como verá US. de un pequeño recorte que le acompaño.

El cinismo en esto llega al colmo y los periódicos no declaran todo, y se contradicen en las noticias.

Autor de toda esta política maquiavélica es el Ministro de Relaciones, señor Edwards, quien hace gala de dirigir hoy día la política exterior de Chile a su antojo y albedrío.

* * * * *

Acompaño a la presente todos los datos concernientes al envío del armamento en la *Baquadano* y *Maullín*, desde la salida de ambos buques con rumbo distinto al que ha aparecido, la declaración en un reportaje al Ministro Edwards sobre el viaje de la *Baquadano* que causó aquí cierta sensación, los comentarios de la prensa sobre el particular y la llegada de ellos a Guayaquil, o sea, un nuevo proceso de la perfidia chilena para con el Perú.

Dios guarde a US.

R. COLMENARES.

No. 122

Views of the United States Department of State, addressed to Chile with regard to the events which took place in La Paz in March, 1920.

MARCH 26, 1920.

On March 17, the American Ambassador in Chile was instructed by the Department of State to inform the Chilean Minister for Foreign Affairs that the Government of the United States had informed the Bolivian Government that it viewed with the gravest apprehension the attack by the mob on the Peruvian Legation and Consulate, and on the houses and stores of Peruvians in La Paz. The Bolivian Government was also informed that in the opinion of the Department of State any agitation tending to endanger peace on the American continent would be a calamity which would place the gravest responsibility upon those who countenanced it.

The Ambassador was further instructed to inform the Chilean Minister for Foreign Affairs that this Department would deplore mobilization in Chile, and that a similar representation had been made to the Government of Peru and Bolivia regarding mobilization in those countries.

In conclusion, the Ambassador was directed to state that the Government of the United States viewed the situation with the gravest apprehension, and counted upon the Government of Chile to do everything in its power to avoid the breaking out of hostilities on the west coast of South America, and to preserve peace until a means of solution for the question interesting Chile, Peru and Bolivia could be found other than force, which could not be countenanced by the civilized world.

Report of the Minister of Foreign Affairs of Peru, 1920, dealing with the effect of Chilean policy in its endeavor to provoke a rupture with Peru in March of that year. (Page 19.)

* * * * *

Some little time later and with regard to the arrival of General Montes at La Paz, certain symptoms of disapproval and hostility began to be noticeable, directed against the Peruvian colony residing in Bolivia; symptoms which were very clearly shown in an incident which took place in Guaqui and which, in consequence, brought about the expulsion of several Peruvian citizens. The press friendly to Chile, likewise emphasized, at the time, the tone of its policy. This, in addition to other signs, showed that the public authorities, among whom the influence of General Montes prevailed to a great degree, were about to resolutely define the trend of their foreign policy, in a direction entirely contrary to that which had been contained in the telegram received from the Minister, Señor Gutierrez.

And this in fact was duly carried out. The Bolivian Congress specifically approved a resolution to direct Bolivia's policy toward acquiring the territory of Tacna and Arica. The diplomatic representative of the Government of La Paz, thereupon declared to us verbally that the position of this latter had been defined in harmony with the decision of Congress.

It became known, at the same time, that an agreement was being negotiated with the Chilean Legation in respect to this same aspiration.

The Peruvian Government could not, in the face of such an attitude, fail to voice its immediate protest, notwithstanding the fact that it understood that it was not the high-minded Bolivian people, but its Government, which, disregarding their true sentiments, had decided to proceed in this manner. Not to have protested would have been equivalent, on the one hand, to neglecting considerations of national dignity and on the other, to disregard a legal title which we were obliged to consider as the expression of the national will, until such a time as the latter should expressly disavow the conduct of its representatives.

We therefore expressed our surprise with all equanimity but

with no hesitation, and in such a manner that the Bolivian people could not fail to understand how great was our desire that a dispassionate reflection would bring about a change in the policy which had been adopted. There were three cablegraphic communications exchanged between the two governments, that of Bolivia maintaining its attitude unchanged. In deference to friendly and wise counsels, our Government did not recall its Legation at La Paz, although it abstained from sending the Plenipotentiary who was to have taken charge.

Upon first unfavorable impressions subsiding, it appeared certain that the disturbance would not transcend beyond the columns of the newspapers, and I had been repeatedly assured that this would be so on the several occasions when I had expressed my fears of possible assaults against the Legation and our citizens residing in La Paz; not because of any information on the subject received by me, but simply owing to the knowledge I possessed of the methods of Chilean politics and the determination of General Montes to lend his support thereto.

All the assurances which had been given me were illusory. The abuses and assaults which had been planned against the Legation, the Consulate, and the persons and property of many Peruvians, were carried out without hindrance in La Paz on the evening of the 14th of March, and the following morning, and were afterwards repeated in other places. Our citizens were obliged to leave in large numbers, owing to their situation there having become unbearable. Our Government took adequate measures on the subject looking to their transportation and such first aid as was required by them.

* * * * *

Nº 123

Memoria del Ministro de Relaciones Exteriores del Perú, de 1920.

* * * * *

Algún tiempo después, y con motivo de la llegada del general Montes a La Paz, comenzaron a notarse síntomas de animadversión y de hostilidad contra la colonia peruana residente en Bolivia; síntomas que se presentaron con mucha claridad en un incidente ocurrido en Guaqui y que trajo por consecuencia la expulsión de varios ciudadanos peruanos. La prensa amiga de Chile acentuó también por entonces el colorido de su política. Esto, aparte de otros signos, anunciaba que los Poderes Públicos en los que imperaba decididamente la influencia del general Montes,

iban a definir resueltamente su orientación externa en sentido abiertamente opuesto al que había expresado el telegrama del Ministro señor Gutiérrez.

Así sucedió, en efecto. Las Cámaras bolivianas sancionaron expresamente el propósito de dirigir la política en el sentido de obtener la adquisición del territorio de Tacna y Arica. A continuación, el representante diplomático del Gobierno de La Paz, nos declaró verbalmente que la actitud de éste se había también definido de acuerdo con aquellas declaraciones.

Súpose, al mismo tiempo, que se tramitaba un convenio con la Legación de Chile, relativo a la misma aspiración.

No podía el Gobierno del Perú, en presencia de semejante actitud, dejar de manifestar su protesta inmediata, no obstante de que comprendía que no era el noble pueblo boliviano sino un gobierno que hacía caso omiso de sus verdaderos sentimientos, quien obraba así. No hacerlo, hubiera sido, de un lado, suprimir el elemento de la dignidad nacional, y de otro, desconocer un título legal que estábamos obligados a considerar como la expresión de la voluntad nacional, mientras ésta no desautorizara expresamente a sus personeros en ejercicio.

Manifestamos, por consiguiente, nuestra extrañeza con toda serenidad, pero sin vacilaciones y en forma que el pueblo boliviano comprendiera cuán grande era nuestro deseo de que una detenida reflexión hiciera modificar la política adoptada. Cambiáronse cablegráficamente tres comunicaciones entre los dos Gobiernos, perseverando el de Bolivia en su actitud. Defiriendo a indicaciones amistosas respetables, el nuestro mantuvo su Legación allí, aunque absteniéndose de enviar el Plenipotenciario que debió ponerse al frente de ella.

Borradas las primeras impresiones, parecía seguro que la agitación no iba a pasar de las columnas de los diarios, y así se me había afirmado con insistencia en las ocasiones en que manifesté mis temores sobre posibles agresiones a la Legación y a nuestros conciudadanos residentes en La Paz; todo esto, no por razón de anuncio alguno, sino por el conocimiento exacto que tenía de la manera de actuar de la política chilena y de la decisión para servirla, del general Montes.

Todas las seguridades que se me dieron, quedaron burladas. Las violencias que se había proyectado contra la Legación, contra el Consulado y contra las personas y propiedades de muchos peruanos, se realizaron con toda facilidad en La Paz, en la noche

del 14 de marzo y en la mañana siguiente, repitiéndose después en otros lugares. Nuestros compatriotas se vieron obligados a salir en gran número, porque su situación allí era insostenible. Nuestro Gobierno dió a este respecto órdenes precisas a fin de que se atendiera a su traslación y a los primeros auxilios que necesitasen.

Declaration to the effect that Chile solicited and obtained, in 1904, through a secret clause, the support of Bolivia to acquire Tacna and Arica. (*Luis Barros Borgoño*: "La Cuestión del Pacífico y las nuevas orientaciones de Bolivia." Santiago, 1922, p. 171.)

"Conjointly with the Treaty of Peace, the same Plenipotentiaries signed a supplementary protocol, relative to the political unity of the two countries and to the determination to secure, by all means available and at the command of one and the other, the possession of the territories of Tacna and Arica for Chile.

"This supplementary agreement to the Peace Treaty, says Sr. Bello Codecido, specifies its import and its intentions, respecting the voting in the plebiscite which is to decide the definite nationality of those territories. Peru at the time, adds the former Minister above-mentioned, exhausted her every argument with the Bolivian Government in an attempt to induce it not to enter into this engagement, the existence of which must have been known to, or suspected by, her. At the eleventh hour, some uncertainty became apparent on the part of the Bolivian Government, because its representative in Santiago declared he had received instructions not to sign the Confidential Protocol in question. But on being confronted with the remonstrances of our Chancery, indicative of its surprise at this changed attitude, completely at variance with the spirit which had prevailed during the course of the negotiations, and which gave rise to serious apprehension respecting the successful issue thereof, the Honorable Sr. Gutierrez finally agreed to sign a formula, the wording of which, though modified, substantially contained the promise of Bolivia to cooperate with all her resources to the success of Chile in the plebiscite."¹

"Agreeably to the nature and purpose of the Treaty of Peace and Amity, the distinguished representative of Bolivia, Sr. Gutierrez, was enabled to declare, as he in fact did declare in that Protocol, that, in conformity with the spirit which inspired the Governments of Bolivia and Chile to negotiate the compact referred to, and interpreting the cordial and harmonious intentions

¹ Emilio, Bello C. *Anotaciones para la historia de las negociaciones diplomáticas con el Perú y Bolivia, 1900—1904.* Santiago, 1919, pages 201, 202.

professed by his Government during the course of the recently concluded negotiations, Bolivia would bend every endeavor, either jointly with Chile or alone, to the end that the territories of Tacna and Arica be definitely incorporated with Chilean territory.

"On his part, the Chilean Plenipotentiary declared that in agreement with his Government, he believed that the common interest of Chile and Bolivia would give rise in both Republics to the determination to unite their action and endeavors in the sense of securing the permanent sovereignty of Chile in the territories of Tacna and Arica."

Nº 124

Declaración de que Chile solicitó y obtuvo en 1904, en una cláusula secreta, el apoyo de Bolivia para obtener Tacna y Arica.
(Luis Barros Borgoño: "La Cuestión del Pacífico y las nuevas orientaciones de Bolivia." Santiago, 1922, pág. 171.)

Conjuntamente con el Tratado de Paz se firmó por los mismos plenipotenciarios, un Protocolo complementario en orden a la unión política de los dos países y al propósito de asegurar, por todos los medios de que uno y otro pudieran disponer, el dominio de Chile sobre los territorios de Tacna y Arica.

"Este acuerdo complementario del Tratado de Paz, dice el señor Bello Codecido, precisa su alcance y su significación en lo relativo a la votación plebiscitaria que debe decidir la nacionalidad definitiva de esos territorios.

"El Perú, agrega el mismo Ex-Ministro, agotó en esos momentos todos sus esfuerzos ante el Gobierno de Bolivia para hacerlo desistir de suscribir ese compromiso, cuya existencia debía conocer o sospechar. Alguna vacilación se produjo a última hora en la cancillería boliviana, pues su representante en Santiago manifestó haber recibido instrucciones de no suscribir el Protocolo confidencial en cuestión. Pero ante las observaciones de nuestra cancillería, significando la extrañeza por este cambio de política que modificaba el espíritu que había dominado en el curso de las negociaciones, lo que se prestaba a interpretaciones perjudiciales al éxito de éstas, el honorable señor Gutierrez convino finalmente en suscribir una fórmula, atenuada en sus términos, pero que mantenía en el fondo el compromiso de Bolivia a cooperar con todos sus elementos al triunfo de Chile en el plebiscito."¹

¹ Emilio Bello C. Anotaciones para la historia de las negociaciones diplomáticas con el Perú y Bolivia, 1900-1904. Santiago, 1919, págs. 201, 202.

Conforme a la naturaleza e índole del Tratado de Paz y Amistad, pudo el distinguido representante de Bolivia, señor Gutierrez, declarar, como lo hizo en ese Protocolo que, de acuerdo con el espíritu que ha guiado a los Gobiernos de Bolivia y Chile a celebrar el referido Pacto, e interpretando los propositos de cordialidad y de harmonia manifestados por su Gobierno en el curso de las negociaciones que acaban de terminar, Bolivia empeñará todos sus esfuerzos, ya sea conjunta o separadamente con Chile, para que los territorios de Tacna y Arica se incorporen definitivamente al territorio chileno.

A su vez el Plenipotenciario chileno declaró, que, de acuerdo con su Gobierno, consideraba que los intereses comunes de Chile y de Bolivia establecian entre ambas repúblicas el compromiso de unir su accion y sus esfuerzos en el sentido de hacer definitivo el dominio de Chile en los territorios de Tacna y Arica.

Bacourt-Errazuriz Franco-Chilean Protocol. (Report of the Ministry of Foreign Affairs of Chile, 1902, p. CXIX.)

* * * * *

"ARTICLE 2. In consequence, the Government of Chile, in fulfilment of the dispositions of Clauses 4, 6 and 7 of the Treaty of Ancon, and Articles 14 and 15 of the Supreme Decree of February 9, 1882, which is incorporated therein, and taking into consideration the wishes expressed on various occasions by foreign governments in representation of the principal groups of creditors of Peru, is of opinion that it must proceed as early as possible to constitute the Tribunal of Arbitrators.

"ART. 3. The funds deposited in the Bank of England, to which the said Clause A of the protocol of January 8, 1890, refers, will be distributed among the creditors in accordance with the resolution which the said Tribunal may transmit direct to the said bank.

* * * * *

"ART. 5. Summarizing the negotiations carried on between the French and Chilean Chancellories since the year 1888 the Government of Chile definitely cedes in favor of the French creditors of Peru whose titles (titulos) shall have obtained the favorable verdict of the arbitrator mentioned in the previous Article, and up to the amount of the sums recognized by the said Tribunal, that which follows:

"A. The 20 per cent of all the net proceeds of the sale of guano received by Chile from February 9, 1882, to January 9, 1890; while Chile reiterates the offer made on different occasions to the French Government, viz., in 1888 and 1889 (confidential mission to Lima) and in 1890 (private note of April 12), to the effect that always with the intention of facilitating to a neighboring and friendly country the settlement of its financial difficulties, it might raise by 4,000,000 silver pesos the indemnity which in accordance with Article 3 of the treaty of October 20, 1883, Peru will have to receive from Chile in case the territories of Tacna and Arica be definitely incorporated under the dominion and sovereignty of Chile.

"ART. 6. These spontaneous concessions on the part of Chile given in the same spirit as guided her when stipulating the pro-

tocol of January 8th, that is to say, in order to facilitate to Peru the complete extinction of her external debt, and in order to insure to the Pacific coast the peace and tranquillity which Chile on her part requires for the development of her commerce and her navigation, do not affect the rights which the French creditors would have to enforce against the Government of Peru in the event of the sums ceded by Chile not being sufficient to totally cancel the credits to which the French creditors may be entitled according to the resolution of the arbitrator, it remaining clearly established that the Government of Chile will only be answerable for the payments of the credits recognized to the extent of the amounts spontaneously ceded and offered in this protocol.

“The Government of Chile, on its part, binds itself to support as far as possible the French Government in the question of submitting to arbitration all the claims of the French creditors of the external debt of Peru in case an agreement has not already been come to between Peru and France to follow this line of action.”

* * * * *

No. 125

Protocolo franco-chileno Bacourt-Errazuriz. (Memoria de Relaciones Exteriores de Chile, 1892, pág. CXIX.)

* * * * *

Art. 2.º En consecuencia, el gobierno de Chile, en cumplimiento de lo dispuesto en las cláusulas 4, 6 y 7 del tratado de Ancón y en los artículos 14 y 15 del supremo decreto de 9 de febrero de 1882, que está incorporado a aquél, y teniendo en consideración los deseos expresados en diversas ocasiones por gobiernos extranjeros en representación de los principales grupos de los acreedores del Perú, estima que debe proceder a la brevedad posible á constituir el tribunal de árbitros.

Art. 3.º Los fondos depositados en el Banco de Inglaterra, á que se refiere la cláusula A citada del protocolo de 8 de enero de 1890, serán distribuídos entre los acreedores á virtud de las resoluciones que el indicado tribunal trasmita directamente á dicho Banco.

* * * * *

Art. 5.º Resumiendo las negociaciones seguidas entre las cancillerías de Francia y de Chile desde el año 1888, el gobierno de Chile cede definitivamente á favor de los acreedores franceses

del Perú cuyos títulos hubieren obtenido un fallo favorable del árbitro indicado en el artículo precedente, y hasta la concurrencia de las sumas que dicho tribunal reconozca lo siguiente:

A. El 20 por ciento de todo el producto liquido de la venta del guano que Chile ha percibido desde el 9 de febrero de 1882 hasta el 8 de enero de 1890; y reitera las ofertas hechas al gobierno de Francia en diversas ocasiones, esto es, en 1888, en 1889 (misión confidencial á Lima) y en 1890 (nota reservada de 12 de abril) al efecto de que siempre, con el propósito de facilitar á un país vecino y amigo el arreglo de sus dificultades financieras, podría elevar en cuatro millones de pesos plata la indemnización que, según el artículo 3.º del tratado de 20 de octubre de 1883, habrá el Perú de recibir de Chile, dado caso que queden definitivamente incorporados al dominio y soberanía chilenos los territorios de Tacna y Arica.

Art. 6.º Estas concesiones espontáneas de parte del gobierno de Chile y hechas con el mismo espíritu que le guió al estipular el protocolo de 8 de enero citado, es decir, para facilitar al Perú la completa extinción de su deuda externa y para asegurar igualmente en la costa del Pacífico la paz y la tranquilidad de que Chile, por su parte, necesita para el desenvolvimiento de sus intereses y seguridad de su comercio y navegación, no menoscaban los derechos que los acreedores franceses tuvieran que hacer valer en algún caso cerca del gobierno del Perú, dado el evento de que las sumas cedidas por Chile no fueran suficientes para cancelar totalmente los créditos á que los acreedores franceses tuvieran derecho por la resolución arbitral, quedando bien establecido que el gobierno de Chile sólo responderá al pago de las acreencias reconocidas hasta la concurrencia de las cantidades que espontáneamente ha cedido ú ofrecido en este protocolo.

El gobierno de Chile, por su parte, se compromete á apoyar tanto cuanto le sea posible al gobierno francés, en el sentido de que sean sometidas al arbitraje todas las reclamaciones de los acreedores franceses de la deuda externa peruana, dado caso de que aún no esté convenido entre el Perú y Francia el seguir esta línea de procedimiento.

* * * * *

No. 126

Chilean decree closing the Peruvian schools. (Circular of 1901, p. 331.)

No. 85.]

TACNA, *May 14, 1900.*

In view of the evidence collected for the purpose of proving that numerous Peruvian schools, both public and private, are in operation in Tacna; and taking into consideration the Executive resolution adopted in respect to this matter, founded upon the legal considerations issued by the Attorney of the Supreme Court of Justice;

IT IS DECREED:

The petition of some teachers for permission to open new educational establishments is hereby denied, and such licenses as have been previously granted are hereby revoked. The Prefecture of police, in the city, and the sub-delegates in rural communities, shall enforce this resolution, and give notice of such violations thereof as shall have been proved.

To be registered, published, and notice thereof communicated to the Supreme Government.

PALACIOS B.

CARLOS P. COTAPOS E.

Nº 126

Decreto chileno clausurando las escuelas peruanas. (Citada circular de 1901, pág. 331.)

Núm. 85.]

TACNA, *14 de mayo de 1900.*

Vistos los antecedentes acumulados para comprobar el funcionamiento en Tacna de numerosas escuelas peruanas, públicas y particulares, y teniendo presente la resolución gubernativa recaída en la materia, fundada en las consideraciones legales expuestas por el fiscal de la excelentísima corte suprema de justicia,

DECRETO:

No ha lugar á la autorización que solicitan algunos preceptores para abrir nuevos establecimientos de instrucción y quedan sin efecto las autorizaciones concedidas en época anterior.

La prefectura de policía, en esta ciudad, y los sub-delegados en

las poblaciones rurales harán efectiva esta resolución, dando cuenta de las infracciones que fueran comprobadas.

Anótese, publíquese y dése cuenta al supremo gobierno.

PALACIOS B.

CARLOS P. COTAPOS E.

No. 127

Note from the Peruvian Minister Chacaltana to the Minister of Foreign Affairs of Chile, dated November 14, 1900, relative to the chilenization methods employed in Tacna and Arica. (Circular of 1901, p. 408.)

No. 25.]

PERUVIAN LEGATION IN CHILE,
Santiago, November 14, 1900.

MR. MINISTER: Your Excellency's government, apparently in an endeavor to correct certain inexplicable omissions, has passed a series of laws, some of which have been executed and others are in process thereof, relating to the political and administrative life of the provinces of Tacna and Arica, whose inhabitants, refractory to any change in their nationality, are being induced to alter their intentions respecting their future status.

This difficult and laborious enterprise has been going on, with rare tenacity of purpose, for the last ten months; that is to say six years after the expiration of the time limit set for the provisional occupation by Chile, in conformity with the Treaty of Peace of 1883; eight years after negotiations were begun, at the initiative of Peru, to determine the manner and conditions for the plebiscite; seventeen years after the signature of the above-mentioned Treaty, and some twenty years since the provinces in question came under the government and control of the Chilean authorities. Your Excellency's government seems apparently to have set itself the task of bringing about, in a few months, that which was not attempted nor could be achieved during twenty years.

These laws, either owing to their extemporaneous and belated nature, or because they are deemed to be contrary to the stipulations of the Treaty of Ancon, since their object is considered coercive, or because they are thought to restrict the legitimate development of public feeling, or finally, on account of all these considerations together, have deeply stirred public opinion in Peru, have awakened serious distrust between the citizens of our respective countries, have frequently jeopardized the action of both Chanceries, and, re-echoing far beyond the frontiers of both nations, have given rise to unfounded doubts as to the possibility of harmonizing the high and enduring interests of two peoples

who have been closely associated during conspicuous periods of their historic past, when they worked out their destinies in fraternal accord.

Several of these laws have been objected to at the appropriate time in the name of my government, to whom they have appeared as either at variance with the observances of equity, which govern the territories, or inconsistent with the rights granted to Chile by virtue of a mere temporary occupation, which is dependent upon the contingency of a plebiscite.

Some of these objections were only made verbally. My government, ever determined to proceed in regard to international questions well within the limits of a prudent moderation, when circumstances demand it, prefers to assert and claim its rights in the least offensive manner possible; it likewise hoped that Your Excellency's government, convinced of the uselessness of such measures, would desist, for an indefinite period, from its attempts to enforce them.

But as time goes by, as our negotiations are kept in *statu quo*, as the severity of certain measures is intensified by the excessive zeal of minor officials, and as the higher functionaries of the Ministries have recently undergone many changes, which might imply the involuntary neglect of some verbal representation, I have been charged by my government to address that of Your Excellency for the purpose of leaving on record a written evidence of our claims, and to request, in a friendly manner, the requisite decisions.

Among the measures of greater importance are included both the closing of the schools in Tacna and Arica, conducted by Peruvians, and the refusal of the necessary licenses to the latter to exercise their profession. The Minister of Foreign Affairs of Peru, in his note of the 10th of July, this year, addressed to the Chilean Minister at Lima, proved the inconsistency of this measure with the principle of educational liberty guaranteed in the fullest manner by the constitutional charter of this Republic, and by the Chilean law of November 24, 1860; and he easily proved that it constituted a violation of the provisions of Article Three of the Treaty of Ancon, according to which the provinces were not to be subject to special laws but were to be governed according to Chilean legislation.

In one of my conferences during the month of April, with Your Excellency's honorable predecessor, Señor Errazuriz Urmeneta, I presented the same argument to him verbally, adding that Peruvian

residents of Tacna and Arica could not be placed in an inferior condition to that occupied by foreigners residing in Chile; that the doctrine of a disregard for Chilean laws, to enable action to be taken according to powers derived from international law, proclaimed by the Attorney General of the nation as was public and notorious, was equivalent to establishing martial law, thus bringing conditions back to the very day following the military occupation of the territories, and completely leaving out of account the existence of the treaty; that if the irregularities alleged against the Peruvian teachers were proved, they should be punished according to the laws of Chile but not by injuring the interests and legitimate rights of third parties; that finally, I would call attention to the fact that it was only after the lapse of almost twenty years, that the necessity had apparently arisen for correcting, in such an unusual manner, the alleged offenses of these Peruvian teachers.

I would state further. One of the purposes of this and other measures to which the present note refers, has been, according to the version given by persons in authority and the contents of official documents, that of directing towards Chile the current of opinion favorable to Peru, endeavoring to awaken among the new generation, feelings of affection for the former of these countries. Chile, according to this version, can rightfully bring into action every legitimate influence to convert her expectation of acquiring the territories of Tacna and Arica into positive fact. Without contesting this right, I must state that the measures which are disavowed by the laws of Chile, by the Treaty of Ancon, and by the unassailable principles of educational liberty, cannot be considered as belonging to the category of influences termed legitimate.

If the children who are being educated today and upon whom this influence is being exerted, were called upon to cast their votes in the approaching plebiscite, these measures, while still being unjustified, might be explained from a practical point of view; but these children cannot, at present, on account of their age, exercise the franchise in any political sense, either international or municipal; they will hardly be entitled to do so in ten or twelve years. Is it therefore intended not to hold the plebiscite until that time? And should the minds of the rising generation prove to be, as they assuredly will, less plastic than anticipated, in the change of their patriotic ideals, will the advent then be awaited of other generations, which may offer more satisfactory results?

Have either Chile or Peru ever entertained the intention of deferring until such a distant future the carrying out of the plebiscite?

Judging from recent and solemn declarations made by the Chiefs of State in their Messages and by the Chanceries of the two countries in their annual Reports, I can assert that no such purpose exists; those who state the contrary are most certainly misrepresenting the intentions of our two governments.

The carrying out of the plebiscite is each day more imminent and impossible of postponement; such is the expressed will of both governments, weary of barren discussions, which drain the energies of their people and prevent them from securing the longed-for and honorable settlement of their differences.

If there is neither the desire nor good reasons for postponing the plebiscite, it is useless to stake our hopes of success on the influence which may be exercised upon the school children of today, and equally useless to keep the schools under such an anomalous rule.

I must recall a circumstance which is, of itself, favorable to the claim of my government. The principal part of a note of the Minister of Foreign Affairs of Peru, was not touched upon by the Representative of Chile, Señor Vicuña, who declined to deal with its essential portion, alleging, though mistakenly, that the matter was being handled at Santiago, when in reality it was being discussed in Lima. My government, while not agreeing in the above contention, consented to the transfer of the negotiations to this capital and communicated its instructions to me for the purpose. I then addressed myself in writing, under date of August 10th, to His Excellency, the Minister of Foreign Affairs, informing him that according to the point reached in the negotiations, it fell to Your Excellency's government to reply to Señor Riva-Agüero's note. The honorable gentleman in question however, abstained in his response, as Señor Vicuña had likewise done, from replying to the arguments which had been presented in behalf of Peru; he merely stated to me, with reference to the closure of the schools: "My government, as Your Excellency knows, is also endeavoring to bring this matter to a satisfactory conclusion; and I will consider it my duty to hasten its decision, assuring Your Excellency that, at all events, it will be inspired by the dictates of justice and true harmony, which must prevail in the relations between neighboring and friendly peoples."

According to the above, the present question of the schools is far from being well defined; it is an anomalous and transitory

condition of affairs, liable to be substituted by another both regular and permanent. Declarations of this kind, befitting a sagacious administration, were verbally made to me during the month of May. At that time the Governor (Intendente) of Tacna, Señor Palacios, was called to Santiago, for the purpose, among others, of providing additional information which would allow of the adoption of conciliatory and equitable measures. Señor Palacios, after remaining several days at Santiago, returned to Tacna, but no resolution of any kind was forthcoming, nor has any, as yet, been taken to this day, notwithstanding the fact that almost a year has gone by since the schools were closed.

It is owing to this very reason that I must declare that, as the arguments put forward on behalf of Peru in support of her claim have not been controverted, they retain all their original force; as does likewise the promise of Your Excellency's government to substitute the temporary measures for others of a permanent character, inspired by the dictates of harmony and justice. My government awaits the promised solution, which will, no doubt, include a restitution to Peruvians of the enjoyment and exercise of those prerogatives of which they have been deprived, and the repeal of the discriminating measures issued against them.

Allow me to recall, on this subject, that one of the most effective means to maintain close bonds of friendship between nations, in their onward and upward march along the path of civilization and progress, consists in constantly endeavoring to raise the intellectual standard of their peoples. The light of knowledge, radiating in every possible direction, from the humblest schools or the great centers of learning, will effectually dispel in the future, as it has done in the past, the errors and prejudices which have given rise to not a few dissensions among nations. Bluntschli, in his "International Law Codified" has said with rare wisdom: "Science powerfully contributes to the establishment and enforcement of the rules of international law. It is obliged to contribute to its further development and to enlarge its scope."

Peruvian teachers have been engaged in this civilizing work for the general good. Their beneficent labors, having no narrow and exclusive purpose, have been so much more meritorious when it is remembered that in some districts where Your Excellency's government had not considered it expedient to establish any schools, these men have undertaken, alone, for almost twenty years, sparing no efforts or sacrifices, the noble task of imparting knowledge to Peruvian and non-Peruvian residents, with no dis-

tion on account of nationality. This is the reason why my government, while not condoning the irregularities which they may have committed, champions and defends their claims.

Your Excellency's government, likewise, considered it advisable to appoint a commission to study and report on the boundary line between the former Peruvian departments of Tacna and Tarapacá; or more properly between Arica and Pisagua; though in adopting this decision it has not taken into consideration the well-founded protests of my government, made with a view to preventing any possible and vexatious disagreement.

This boundary line consists, according to the Peace Treaty of 1883, of the River Camarones and the Gap (Quebrada) of the same name; it divides the territory of Tarapacá—control of which has been ceded to Chile—from the territories of Tacna and Arica, the definite title to which was not ceded, and whose final status is dependent upon the contingency of a plebiscite. The line in question possesses, therefore, an international importance.

Any misunderstanding as to its location must therefore be decided by mutual agreement of the contracting parties. Neither of these, without the consent of the other, may arbitrarily take upon itself to map it out or alter it to suit its own convenience. In order to dispel all doubts which may have arisen, therefore, what should have been done was to invite the cooperation of Peru. Furthermore, the line in question always did divide, for a considerable number of years when the whole of this territory belonged to Peru, those selfsame political divisions, the boundaries of which we are endeavoring to define today; and in that condition the present province of Tarapacá passed into the hands of Chile. My government therefore is in a very favorable position to speak with authority upon the source and direction of this boundary line which constitutes another and powerful reason why its cooperation should not have been dispensed with.

The Foreign Office at Lima claimed the right to intervene in this matter, and in effect addressed a note under date of January 15 of the present year, to the Chilean Chargé d'Affaires in Peru, who replied in satisfactory, if somewhat too general, terms.

When operations were recently undertaken to determine the boundary line in question, opinions were expressed by some subordinate officials openly in conflict with the provisions of the Treaty of Ancon, owing to which I addressed my note of October 8th to that Department, ratifying the former declarations of the above-mentioned Chancery. I considered it advisable to state

in that despatch that, even though the intention to determine the boundaries responded to purposes of internal administration, it was impossible to dispense with the concurrence of Peru.

In fact, none of the territories situated north of the Camarones Gap, (quebrada) over which Chile has no final control or sovereignty, can be subjected, as to their administration, to the same rules as the territories situated south of this line. There must be, therefore, absolute similarity between the boundaries which are adopted for purposes of internal administration, and those already established for international purposes.

It is natural to ascribe to the two last changes effected in the personnel of the Cabinet, the failure, so far, to reply to my last note, but trusting in the frank sincerity of purpose of this government, I rejoice in the hope that, in no case, when deciding this matter, will the age-old boundaries of the political delimitation of Tacna and Tarapacá be altered. It is my duty meanwhile, to call Your Excellency's attention to an irregular procedure adopted in respect to this matter which I do not doubt will be properly corrected.

By the supreme decrees of November 3, 1885, and August 28, 1888, several settlements under Peruvian rule, in harmony with existing laws, belonging to the District of Codpa in the province of Arica, were incorporated with the Chilean department of Pisagua. These settlements, taken from a territory over which Chile exercises no final sovereignty, have been included within that territory which Chile absolutely controls.

The irregularity, to say the least, of this measure, is supported by the very Chilean authorities of those regions, such as the Governor of Arica, Señor Montt, and the Governor (Intendente) of Tacna, Señor Palacios. The former official, in a report dated the 15th of last March, relative to the well known application of Sr. David MacIver, maintains, among other matters, that: "the boundary between Arica and Pisagua is determined by the Treaty of Ancon, by the Peruvian Law of December 1, 1868, creating the seaboard province of Tarapaca, taken from the department of Moquegua, and by the Chilean laws relating to the creation of the provinces of Tacna and Tarapacá; that along the Gap (quebrada) of this name there is a number of settlements; that those situated to the north of the bed of the Camarones river, always belonged to Arica, while those to the south belonged to Pisagua; that this legal situation was amended by the above-mentioned decrees of the Executive Power, by which the settlements of Guancarane,

Pachica and Esquiña were taken from Arica and incorporated with Pisagua; that the decrees in question conflict with the laws creating the provinces of Tacna and Tarapacá; with Article 37, Paragraph 5, of the Constitution of the State and with the stipulations of the Treaty of Ancon."

Señor Palacios ratifies the report in a most illuminating manner and says: "From the study which the undersigned has carried out of the Paz-Soldan atlas, referred to by the applicant; from the information secured from various persons acquainted with these places; from the letter and spirit of the laws creating the provinces of Tacna and Tarapacá; as well as from the supreme decrees delimitating the boundaries of the departments, I am entirely convinced that the Governor of Arica, in his conclusions, is supported by a well-founded and proven truth."

If the slightest deviation from the boundary line mentioned by the Peace Treaty must be avoided, as has been proved, it is likewise necessary for the same reasons, to repeal the above-mentioned decrees of 1885 and 1888 in that portion thereof referring to the settlements which were taken from Arica. At all events, Peru cannot accept as valid, the effects of any measure which may impair the integrity of the territories whose final status depends upon the result of a plebiscite.

I have also been instructed to call Your Excellency's attention to the concessions for borate deposits and other like substances which have been granted to private concerns in the territories of Tacna and Arica, and to the declared intention of granting concession of guano beds, as well as to lease or sell nitrate lands.

Such concessions, in view of their purpose, can only be granted by the owner of the territory, by him who exercises a permanent and absolute sovereignty over them; by the one who has the right to dispose of the soil and its wealth. The mere occupier, such as Chile in this case, is not entitled to carry out any act, the attribute of absolute supremacy (*señorío completo*); nor does he possess the right to tie up the territory for the future, which, after all, does not belong to him. Immediately after the signature of the Peace Treaty, temporary concessions of a certain kind might have been made provided they did not include the alienation of the soil; the certainty then existed that Chile was to have a limited control for ten years; but today, when the continuation of her authority is subject to the contingencies of a plebiscite, to be shortly held, concessions which imply perpetual control cannot

be easily explained, while in no case should they extend beyond the time-limit of the occupation.

The spirit of the above-mentioned considerations is embodied in the mining laws of all modern countries. According to the mining code of Chile, the State, as the owner of the soil, is equally the owner of all mines, and according to this title, grants of perpetual ownership to private persons are made, upon conditions of the payment of the yearly license fee. But as regards Tacna and Arica, upon the soil and mineral wealth of which Chile has no absolute dominion, no perpetual ownership of mines situated therein may be granted.

In 1892, Your Excellency's government was about to enter into a contract with the Firth Corporation, for the purpose of extending the Tacna Railroad. As the concession, according to the bill relating thereto, was to extend beyond the month of March of 1894, the Chargé d'Affaires of Peru considered it appropriate to protest. In a note addressed to the Foreign Office at Santiago, under date the 10th of December, 1892, he made the following declaration: ". The Peruvian provinces of Tacna and Arica being occupied only temporarily, my government considers it illegal for Chile to either enter into contracts or pass laws, the effects of which extend beyond the period determined for the occupation in the Peace Treaty of 1883." I now renew this same declaration, in so far as it is applicable to the concessions for mining rights.

Several irrigation and colonization schemes have in the past, and are now again, being undertaken in Tacna and Arica. On August 31, 1899, one of the honorable predecessors of Your Excellency recommended, in writing, to the consideration of The General Land and Colonization Inspector, a detailed study respecting the possibility of establishing national colonies and extending and improving the means of irrigation. Today, in consequence of recent efforts of the delegate in Tacna, Señor Guerrero Bascuñan, the investment of a large sum of money in enterprises of this nature in the valleys of Tacna, Lluta, Vitor and Azapa is considered imminent.

Colonization, according to the plans approved by the laws, decrees and contracts, passed in Chile, rests, as in every country which is anxious to increase the density of its population, on the condition of grants to settlers or colonists of a certain amount of land in fee simple, either freely or by purchase, on a long-deferred payment plan; in both cases, the land is alienated. In this in-

tention were the following measures passed: the laws of December 4, 1866, and August 4, 1874; the Supreme Decrees of December 28, 1889, relating to the regulation of The Land and Colonization Department, and that of September 1, 1899; in pursuance of the same purpose the colonization contract, with Mr. Charles Colson, was entered into on February 14, 1896, and approved by law of December 22, 1899.

Now, the sale of public lands, which is the cardinal condition of every important colonization enterprise and a powerful inducement to create permanent populations, can only be effected by the owner and sovereign of the lands, but not by Chile, who is merely the occupier thereof. In an international, as in a civil sense, it is the owner alone who has the right to use, enjoy, and dispose of property. The mere possessor, whose title shows that he has not been given the full and definite ownership, cannot be, even under the most favorable aspect, but a mere usufructuary; and if, as such, he may exercise the right of use and enjoyment, under no circumstances is he entitled to dispose of the thing leased.

Important colonization schemes affect the future more than the present; they usually modify both the industrial and ethnological life of the people and change their moral aspect. Such action is inappropriate to the impermanence of transitory sovereignty, the very originators of which are themselves uncertain as to how long their authority will endure.

It would appear more logical to reserve such schemes for the nation, which, through means provided for in existing treaties, shall acquire definite control and sovereignty over the territories in question. My government reserves to itself the right to undertake projects for the improvement of the condition of those regions, if, as it confidently expects, they are reincorporated with Peru as a result of the plebiscite; but it is unwilling to recognize the obligations and responsibilities consequent upon such alienations or long-term leases of public lands, as may be effected at the present time.

Another of the measures put into practice has been the transfer to Tacna of the headquarters of the First Military Zone and the natural concentration of troops in that locality. It is not the purpose of my government to question the constitutional authority of the President of the republic to regulate, organize and apportion the armed forces as he may consider it advisable; but while in no way disputing this, my government considers that

there are many good reasons deserving of attention, at least from the point of view of convenience, which conflict with the measure above mentioned.

In July, 1895, the territory of the Republic was divided into three military zones, and it was provided that the first should have its headquarters in the city of Iquique. In January, 1896, a decree was issued regulating the distribution of these zones, Tacna being expressly considered as an absolute unit of the First Zone; but Iquique continued to be considered as the military headquarters of that zone. In May of the same year, the proportion was established regarding the distribution of the army corps and it was decided, in respect to the First Zone, that a regiment of cavalry and a battalion of infantry should be permanently stationed at Iquique; a battalion of infantry at Antofagasta, and a regiment of artillery stationed at Copiapó. It was not considered necessary to keep any military unit of any importance in the territories of Tacna and Arica.

Four years later, when circumstances seemed least likely to require the presence of an imposing force in these regions, the above distribution is changed, and the Staff of the First Zone is now transferred to Tacna, leaving out of consideration both the central position of Iquique in the said Zone, or its great advantages as a commercial city of many resources. This measure, essentially military in character, was made more serious in April, by the order transferring to Arica the battleship *Almirante Cochrane* and the torpedo-boat *Ingeniero Mutilla*, these vessels being the artillery and torpedo schools respectively.

Even though the Sama River situated to the north of these territories were the definite boundary line between Chile and Peru, the concentration of troops in Tacna cannot be easily explained. It can still less be explained when it is recalled that this is a provisional boundary only, whose security has never been threatened, even remotely, either in the past or at the present time.

The laws of countries whose political institutions are founded upon liberal and democratic principles, usually forbid, in deference to the free exercise of suffrage, the concentration, during election times, of military forces in the places where such elections are to be carried out. Might not the observance of this same rule be advisable, in an international sense, wherever it may become necessary to appeal to the free vote of the people? If the presence of armed forces under such circumstances is considered inadvisable

when dealing with the internal administration of a country, can this not be considered equally so when dealing with matters of foreign policy? The advisability therefore of reducing the present strength of the forces in Tacna and Arica to that minimum which is required for the maintenance of order and public safety, as has been the case, with no untoward results, for the last twenty years, is therefor undeniable.

Furthermore, this reduction will allay the misgivings of the district in occupation; difficulties, disturbances and personal encounters which are always vexatious will be avoided, and Your Excellency's government will be saved heavy expenses due to permanent establishments, which are hardly in keeping with the provisional nature of the occupation.

The former attempt to make the ecclesiastical jurisdiction of Tacna and Arica independent of the See of Arequipa, however, has also been revived, creating an Apostolic Vicarage for the purpose. The Holy See, to whom it will be necessary to appeal in this matter, will surely not lend its support thereto, for it knows that Chile does not exercise definite dominion and sovereignty over the territories in question. It is, however, necessary to leave on record the views of my government in respect to this matter. In Peru, as in Chile, the Catholic Church lives and prospers under the protection of the age-old system of patronage. According to the latter, the Civil Government, in the territorial divisions which are permanently under its control, intervenes in the creation and subdivision of dioceses, or parishes, in the creation of apostolic or other vicarages, in providing ecclesiastical benefices, and in all other functions closely related to the temporal attributes of States.

Patronage, furthermore, irrespective of the source from which it is derived, is a prerogative intimately associated with the exercise of national sovereignty. Its action upon certain churches continues until sovereignty over the territories in which they are located ceases, and it is not transferred except when sovereignty itself is finally and permanently transferred. In respect to Tacna and Arica, neither has Peru ceded final control and sovereignty over them, nor has Chile acquired either of these; the moment has not arrived, therefore, to consider that the attributes of Peru, as patron in respect to these churches, are at an end.

On the other hand, the objection to the continuation of the present state of affairs, is not apparent; there has been none during the last twenty years, nor is it to be anticipated that any will arise in the future. At all events, is it worth while to substitute

this established order for another, which will be of short duration if, as is to be expected, the plebiscite turns out favorable to Peru?

This measure will probably not lack supporters who believe it susceptible of bringing into play the element of religion, to lead the conscience of the people in the direction of certain aspirations. But I venture to assert that this does not form part of the plans which inspire the international policy of Your Excellency's government. Your Excellency will recollect that since the passing away of the Holy Alliance, which endeavored to use Christianity as an instrument in the rivalry between States, if religion is ever taken into consideration by international law, it is for the purpose of strengthening, but not weakening, the bonds of brotherliness among peoples.

Nor should I, according to the instructions from my government, pass over in silence the orders of the subordinate officials of Tacna and Arica who, on the 28th of July, the anniversary of the Independence of Peru, prevented or hindered the spontaneous manifestations of patriotic rejoicing of the Peruvian inhabitants, notwithstanding the fact that it is a glorious date in the annals of all the nations which, as a result of joint action, had secured their independence at the beginning of this century.

I am happy to declare that, at the time when I protested against such extraordinary proceedings to the then Minister of the Interior and Foreign Affairs, this official telegraphed upon two separate occasions, ordering that the celebration of this anniversary be allowed. Unfortunately, these orders were not obeyed, and my fellow-citizens, considering themselves unjustly and vexatiously discriminated against, abandoned their intention to celebrate this solemn patriotic duty. I must also leave on record that a portion of the Chilean press, supported by several far-seeing persons, openly censured the conduct of those officials and demanded that the government should furnish appropriate satisfaction, which I assume will assuredly be given.

To the above may be added, as an adequate cause of resentment and alarm in the communities of Tacna and Arica, the ill-concealed hostility, on the part of the above-mentioned subordinate officials, directed against the Peruvian portion of the population, as well as the systematic and persistent, though up to the present impotent, efforts, made by them to induce Your Excellency's government to adopt the decision to suppress, by illegal methods, the voice of the press in those territories.

If to the above are added the transfer to Tacna of the Court

of Appeals of Iquique, the proposed reduction in the customs duties on importations made through the port of Arica, the declarations of the honorable representative of Chile in Bolivia, respecting the intentions of the latter nation with regard to Tacna and Arica; the protracted and illegal occupation of a portion of the Peruvian province of Tarata, and the indefinite postponement of the plebiscite, it will readily be seen that, aside from the improper procedure of the subordinate officials above mentioned, the determination persists of withdrawing the provinces of Tacna and Arica from the jurisdiction of ordinary legislation in order to subject them to that of an irregular system.

Some opinions are expressed to the effect that Chile is bound to employ these means to win the plebiscite, in order to gain control of the nitrate deposits of these provinces. In 1898 Your Excellency's government had already obtained from Peru, in case the results of the plebiscite should be favorable to her, a generous undertaking not to exploit the nitrates except upon revenue conditions similar to those in force on Chilean territory; my government, however, rejected a subsequent request from that of Your Excellency, which required a written undertaking to the effect that Peru would not adopt any measure in respect to the working or transference of ownership of such deposits, which might unfavorably affect the monopoly possessed by Chile in this substance.

The Department of Foreign Affairs in Lima declared on that occasion that: the question was alien to the stipulations for the carrying into effect of the Treaty of Ancon; that the principle of unconditional sovereignty over those territories could not be sacrificed under any consideration; that the acceptance of such a doctrine would constitute a dangerous precedent in respect to the other portions of Peruvian territory where nitrate deposits might be discovered, and that finally, there were, in those provinces, no nitrate deposits which could be industrially worked.

I now note with satisfaction, that Your Excellency's intentions did not possess the irreconcilable features of an indispensable condition. Indeed, the Chilean Chancery, implicitly, and several important sources of public opinion have expressly, disavowed the opinion of one of their distinguished diplomatists, who, on referring to the Bolivian coast, had said: "that the coast is rich and worth many millions, we already know. We keep it precisely because it is valuable; were it worthless, there would be no purpose in retaining it." Apparently, therefore, according to the sound opinion of Your Excellency's government, it is not the

value of the territories, but the strict execution of existing treaties which is alone the deciding factor in the fulfillment of still unsettled international questions.

It has also been asserted that Chile must retain those territories to safeguard her frontiers, which would not be adequately protected if her definite boundaries were determined by the Camarones Gap (quebrada); and that she must not, therefore, abandon the policy which she has recently adopted.

Although I cannot believe that such an opinion will ever be adopted in the high councils of Your Excellency's government, I must point out that this opinion is opposed to the important report of Señor Boonen Rivera, who, referring to this Gap (quebrada), says: "By reason of its central position in respect to the other valleys, and owing to the great distance which separates them from those nearest to it, it constitutes a bulwark which, if strongly occupied, could absolutely be counted upon to defend the province of Tarapacá from every possible invasion which might attempt to attack by land."

Insufficient security, however, cannot in any case of itself be a valid reason or an excuse for seeking to acquire possession of another's territory. Señor Andres Bello, who is justly held in great esteem, commenting upon the dangers of such a theory, more than half a century ago, said in his "Principios de Derecho Internacional": "States, sometimes avail themselves of divers pretexts to seize territories belonging to others: the commonest and most specious is that of self-protection, endangered, so they declare, unless they fail to seize this or the other national boundaries, which will protect them against a foreign invasion. But to concede such undefined rights to nations, would be tantamount to allowing them to arbitrarily despoil each other, and instead of strengthening peace, no rule would be more fruitful of discord and of war."

It cannot, in addition, have escaped Your Excellency's attention, how contrary to the effect intended has the greater part of these measures proved, especially as regards the unnecessary severity with which they are carried out by subordinate officials. There are sentiments which take a deeper root through adversity, which are revived and strengthened by opposition, which flame in protest at the slightest sign of arbitrariness: one of these is patriotism. This is the explanation why, at the present time, there is as much or more patriotic fervor among the denizens of Tacna and Arica in support of Peru, than formerly. When the

Peace Treaty was signed, it was never thought or intended that Chile was thereby authorized to exert all manner of pressure to secure for herself, for a longer term of years than the stipulated ten, the vote of the people of Tacna and Arica, and still less for an indefinite period of time. Within that decade, Chile could legitimately have done everything within her power to attain the desired end; but once that period has expired, there is no plausible explanation for the limitless authority she is displaying. The Treaty of Ancon, it is true, subjected the provinces to a test, but that was for a stated period, which expired on March 28, 1894; so that there is no reason whatsoever for prolonging this probationary period indefinitely, and still less when accompanied by the present harsh and oppressive measures. The recognition of the lawfulness of an indefinite extension would be equivalent to an admission that the plebiscite should be held only when Chile would be absolutely certain of the success of her expectations and in that case the time limit previously stipulated would become entirely unnecessary.

In 1894 while the Chilean Chancery was in charge of the Honorable Señor Sanchez Fontecilla, Your Excellency's government requested from Peru an extension of the period of occupation of Tacna and Arica until March 28, 1898. This request shows of itself, that even in the opinion of Your Excellency's government the consent of Peru was essential for Chile to continue to exercise authority in these territories, in an unimpeachably lawful manner, after 1894.

One of the simplest means to put an immediate and friendly stop to these regrettable differences is to resolutely decide to hold the plebiscite, as agreed in the Billinghurst-Latorre protocol. This would put an end to the anomalous situation obtaining in Tacna and Arica, the source of all difficulties and differences between our two countries. The series of attempts made by Peru since 1892 up to the present time, for the settlement of this paramount question, have borne no practical results; Chile has not rejected the above-mentioned protocol, but neither has she made any new suggestion since April, 1898, when the protocol in question was signed; therefore the definite approval of this instrument is imperative as the best means of terminating this long period of disagreements and anxieties which continually obstruct the steady development of both nations.

At all events, but specially if the protocol should be rejected, or if a resolution still pending in respect thereto should be delayed, my government confidently expects in deference to the cordial

relations existing between our respective countries, in obedience to the laws under whose guarantee the territories of Tacna and Arica are placed, and in compliance with the provisions of the Peace Treaty of 1883, that legal conditions shall once more be established in the territories, that such measures as are in conflict therewith shall be repealed, and that all designs subversive thereto will be no longer countenanced.

I am convinced that Your Excellency's government has acted, due to its sincere convictions and for highminded purposes. For this very reason, I trust that, deferring to the dictates of the well-known probity of Your Excellency's government, should any irregularity be discovered due to the foregoing considerations, it will be immediately corrected. The impulse of an excessive patriotic zeal may perhaps have been responsible for the action complained of, but I have no doubt that when the agitation aroused by that lofty sentiment shall have subsided, justice will be done to Peru's friendly request.

I have the pleasure to reiterate to Your Excellency on this additional occasion, the assurances of my highest and most distinguished consideration.

CESAREO CHACALTANA.

To His Excellency, Señor EMILIO BELLO CODECIDO,
Minister of Foreign Affairs of Chile.

Nº 127

Nota del Ministro peruano Chacaltana al Ministro de Relaciones Exteriores de Chile, de 14 de noviembre de 1900, sobre las medidas de chilenización adoptadas en Tacna y Arica. (Citada circular de 1901, pág. 408.)

Núm. 25.]

LEGACIÓN DEL PERÚ EN CHILE,
Santiago, 14 de noviembre de 1900.

Señor MINISTRO: El gobierno de V. E. como si tratara de subsanar inexplicables omisiones, ha adoptado una serie de acuerdos, cumplidos unos y en vía de serlo otros, relacionados con el régimen político y administrativo de las provincias de Tacna y Arica, á cuyas poblaciones peruanas, refractarias á todo cambio de nacionalidad, se procura inducir á que tomen nuevos rumbos en sus aspiraciones para el futuro.

Tan difícil como laboriosa empresa ha sido acometida, con especial empeño, en los últimos diez meses, es decir, á los seis años después de vencido el plazo de la ocupación provisional de

Chile, conforme al tratado de paz de 1883; á los ocho de estarse concertando, á iniciativa del Perú, la forma y condiciones del plebiscito; á los diecisiete años de la suscripción del antedicho pacto; y á los veinte de estar las provincias enunciadas bajo el gobierno y la administración de las autoridades chilenas. El gobierno de V. E. parece haberse propuesto realizar en pocos meses lo que no se intentó ó no se pudo llevar á cabo en un período de veinte años.

Dichos acuerdos, sea por conceptuárseles extemporáneos y tardíos, sea por estimárseles en disconformidad con las estipulaciones del tratado de Ancón, sea por atribuirseles tendencias extremadamente imperativas, sea por suponérseles destinados á cohibir las legítimas expansiones del sentimiento público, sea en fin por todas estas consideraciones á la vez, han conmovido la conciencia nacional del Perú, han originado desconfianzas entre los nacionales de nuestros respectivos países, han dificultado á veces la acción de las cancillerías respectivas, y, resonando más allá de las fronteras de las dos naciones, han comenzado á inspirar infundadas dudas sobre la posibilidad de concordar los altos y permanentes intereses de dos pueblos estrechamente vinculados en notables períodos de su pasado histórico, durante los cuales cumplieron en la mejor armonía sus destinos.

Varios de los acuerdos fueron oportunamente objetados á nombre de mi gobierno, al cual le han parecido, ó inconciliables con el régimen de legalidad á que están sometidos los territorios mencionados ó incompatibles con los derechos correspondientes á Chile en virtud de una simple ocupación temporal, subordinada á las eventualidades de un plebiscito.

Algunas de esas objeciones se formularon solamente de palabra. Mi gobierno, decidido á proceder en las cuestiones internacionales dentro de los límites de una bien entendida moderación, prefiere, cuando las circunstancias lo permiten, afirmar sus derechos y reclamarlos en la forma menos enojosa posible. Esperó, además, que el gobierno de V. E., persuadido de la ineficacia de sus medidas, abandonaría el propósito de mantenerlas por un plazo indefinido.

Pero como el tiempo transcurre, como nuestras gestiones permanecen en *statu quo*, como el rigor de ciertas medidas suele acentuarse por la extralimitada acción de las autoridades subalternas, y como el alto personal de los ministerios ha experimentado recientemente variaciones, pudiéndose, por tal motivo, incurrir en el olvido involuntario de alguna gestión verbal, he recibido el encargo de mi gobierno de dirigirme al de V. E., á fin de dejar

constancia escrita de nuestros reclamos y de recabar, en forma amistosa, la resolución correspondiente.

Entre las medidas de mayor trascendencia han figurado, tanto la clausura de las escuelas de Tacna y Arica regentadas por peruanos, como la denegación á éstos del permiso requerido para ejercer el preceptorado.

El ministro de relaciones exteriores del Perú, en su nota de 10 de julio del corriente año al ministro de Chile en Lima, demostró lo incompatible de dicha medida con el principio de la libertad de enseñanza, garantizado en su mayor amplitud por la carta fundamental de esta república y por la ley chilena de 24 de noviembre de 1860; y dedujo, sin mayor esfuerzo, que era infractoria de lo estipulado en el artículo 3º. del tratado de Ancón, según el cual las provincias mencionadas no quedaron sujetas á procedimientos excepcionales, sino al régimen establecido por la legislación chilena.

En una de mis conferencias del mes de abril, con el honorable antecesor de VE., señor Errázuriz Urmeneta, expuse verbalmente á éste igual argumento, y le expresé, además: que los peruanos radicados en Tacna y Arica no podían estar en peor condición que la de los extranjeros residentes en Chile; que la doctrina de prescindir de las leyes chilenas para proceder con arreglo á facultades derivadas del derecho internacional, preconizada por el fiscal de la nación, según era notorio, equivalía á establecer el régimen de la ley marcial, retrotrayendo las cosas al estado en que se hallaban al día siguiente de la ocupación bélica y olvidando la existencia de un tratado de por medio; que los abusos de los preceptores, al ser efectivos, debían reprimirse de conformidad con las leyes de Chile, mas no hiriendo intereses y derechos legítimos; que, por fin, llamaba la atención, cómo, sólo después de cerca de veinte años, se había advertido la necesidad de corregir, en forma inusitada, los abusos de los preceptores peruanos.

Algo debo agregar ahora. Uno de los objetos de esta y demás medidas á que la presente nota se refiere, ha sido, según la versión de personas autorizadas y el contenido de documentos oficiales, el de desviar hacia Chile la corriente de opinión favorable al Perú, procurando despertar, al efecto, en las nuevas generaciones, sentimientos de adhesión al primero de dichos países. Chile, según esa versión, tiene el derecho de poner en juego todo género de influencias legítimas para convertir en realidad sus expectativas á la adquisición de los territorios de Tacna y Arica. Sin negar el derecho invocado, debo observar que no pertenecen á la

categoría de las influencias calificadas de legítimas, las medidas vedadas por las leyes de Chile, por el tratado de Ancón y por los principios tutelares de la libertad de enseñanza.

Si los niños á quienes hoy se educa y sobre los cuales se trata de ejercer influencia, estuvieran llamados á tomar parte como votantes en el próximo plebiscito, dichas medidas, sin quedar justificadas, tendrían alguna explicación bajo el punto de vista práctico; pero esos niños, no pueden al presente, por razón de su edad, ejercer derechos de sufragantes en ningún orden político, ni en el internacional ni en el interno; apenas lo podrán dentro de diez ó doce años. ¿Se postergará para entonces la realización del plebiscito? Y si no fuera bastante dúctil el espíritu de la generación naciente, como seguramente no lo será, para cambiar el sentido de sus patrióticos ideales, ¿se esperará el advenimiento de otras nuevas, que ofrezcan perspectivas de mejores resultados? ¿Han abrigado el Perú ó Chile preconcebidos propósitos de aplazar para un futuro tan remoto la realización del plebiscito?

Fundado en declaraciones recientes y solemnes, hechas por los jefes de estado en sus mensajes y por las cancillerías de ambos países en sus memorias anuales, puedo afirmar que no existen semejantes propósitos; falsean la mente de los dos gobiernos los que sostienen lo contrario.

La realización del plebiscito es cada día más inminente é inaplazable; tal es la voluntad declarada de dichos gobiernos, cansados de discusiones estériles que agotan las energías de sus pueblos y les impide llegar al tan anhelado como honroso desenlace de sus diferencias.

Si no hay voluntad ni razón para aplazar el plebiscito, es inútil cifrar las esperanzas de buen éxito en la influencia ejercida sobre los escolares de hoy, é inútil igualmente mantener las escuelas bajo un régimen excepcional.

Debo recordar un antecedente, favorable de por sí al reclamo de mi gobierno. La nota del ministro de relaciones exteriores del Perú no fué contestada en su parte sustancial por el representante de Chile, señor Vicuña, el cual se excusó de abordar el fondo de ella, alegando, por error de concepto, que el asunto se ventilaba en Santiago, cuando en realidad estaba radicado en Lima. Mi gobierno, sin aceptar lo aseverado, se allanó á trasladar las negociaciones á esta capital y me impartió, al efecto, las instrucciones del caso. Me dirigí entonces, por escrito, con fecha 10 de agosto, al señor ministro de relaciones exteriores, haciéndole presente que, conforme al estado de la gestión, correspondía al gobierno de

V. E. contestar la nota del señor Riva-Agüero. Aquel honorable funcionario se abstuvo, en su respuesta, como lo había hecho el señor Vicuña, de contestar los argumentos formulados á nombre del Perú; se limitó á decirme, refiriéndose á las escuelas clausuradas: "mi gobierno, como V. E. lo sabe, se ocupa también en crear para este asunto una situación definida; y yo me haré un deber en activar la solución, y puedo asegurar á V. E. que ella será en todo caso inspirada en los sentimientos de justicia y de verdadera armonía que deben presidir las relaciones de los pueblos amigos y vecinos."

Según esto, la actual situación de las escuelas no es definida; es una situación anormal y transitoria, destinada á ser reemplazada por otra regular y permanente. Declaraciones semejantes, dignas de un gobierno previsor, me fueron hechas en el mes mayo en una forma verbal. Entonces se llamó á Santiago al intendente de Tacna, señor Palacios, entre otros objetos, con el de obtener nuevos informes que permitieran adoptar un temperamento conciliador y justo. El señor Palacios, después de permanecer muchos días en Santiago, regresó á Tacna y no se adoptó resolución alguna, como no se ha adoptado hasta hoy, no obstante haber transcurrido cerca de un año de la clausura de las escuelas.

Por esto mismo, debo hacer constar que, no habiéndose contradicho los argumentos aducidos á nombre del Perú en apoyo de su reclamación, subsisten en todo su vigor; y subsiste igualmente la oferta del gobierno de V. E., de reemplazar las medidas provisionales con otras definitivas, inspiradas en los sentimientos de armonía y de justicia. Mi gobierno espera próximamente la solución anunciada, la cual consistirá, seguramente, en restituir á los peruanos en el goce y ejercicio de los derechos de que han sido privados y en derogar las reglas de excepción dictadas contra ellos.

Permítame V. E. recordar, con este motivo, que uno de los medios más eficaces para mantener entre las naciones estrechos vínculos de solidaridad, en su marcha ascendente por el camino de la civilización y del progreso, consiste en esforzarse por levantar constantemente el nivel de la intelectualidad de sus respectivos pueblos. La luz de la ciencia, irradiada con la mayor profusión posible, desde las escuelas más humildes ó desde los grandes centros de enseñanza, continuará disipando en el porvenir, como lo ha hecho en el pasado, los errores y prejuicios que originaron no pocas disensiones entre los estados. Con singular acierto, ha dicho Bluntschli en su derecho internacional codificado: "la "ciencia contribuye poderosamente á fundar y á hacer respetar

“el derecho internacional. Está obligada á preparar su ulterior “desarrollo y á ensanchar sus progresos.”

A esta obra de civilización y de interés común han estado consagrados los preceptores peruanos. Su benéfica tarea, sin desarrollarse con fines de un exclusivismo estrecho, ha sido tanto más meritoria, si se tiene en cuenta que en algunos distritos en donde el gobierno de V. E. no había tenido por conveniente establecer escuelas, ellos solos han cumplido, durante veinte años, sin omitir esfuerzos ni sacrificios, la noble misión de suministrar la enseñanza, á peruanos y no peruanos, sin distinción de nacionalidades. Por eso, mi gobierno, sin excusar los abusos en que puedan haber incurrido, ampara y defiende sus reclamos.

También tuvo por conveniente el gobierno de V. E. nombrar una comisión encargada de informar, previo estudio, acerca de la línea divisoria entre los antiguos departamentos peruanos de Tacna y Tarapacá, ó más concretamente entre Arica y Pisagua; y al dar este paso no ha tomado en cuenta las justas observaciones de mi gobierno, destinadas á prevenir posibles y enojosas divergencias.

La expresada línea divisoria está formada, según el tratado de paz de 1883, por la quebrada y el río de Camarones; separa el territorio de Tarapacá, cuyo dominio se ha cedido á Chile, de los territorios de Tacna y Arica, no cedidos en propiedad y cuya suerte definitiva está sujeta á las contingencias de un plebiscito. Dicha línea tiene, por lo tanto, un carácter internacional.

Cualquiera desinteligencia sobre su ubicación debe salvarse por el acuerdo de las partes contratantes. Ninguna de éstas puede, prescindiendo de la otra, arrogarse la facultad de trazarla ó de enmendarla, con arreglo á su propio criterio. Para desvanecer las dudas suscitadas, ha debido, por consiguiente, solicitarse el concurso del Perú. Además, esa línea separó constantemente, en el trascurso de muchos años, dentro de territorio exclusivamente peruano, las mismas circunscripciones políticas cuyos linderos se trata de precisar hoy; y en esa forma pasó á poder de Chile la actual provincia de Tarapacá. Mi gobierno, por tal motivo, está en condiciones muy propicias para apreciar con certeza el origen y curso de ella, lo cual constituye una nueva y poderosa razón para no prescindir de su acuerdo.

La cancillería de Lima reclamó esta intervención, y se dirigió, al efecto, por nota de 15 de enero de este año, al encargado de negocios de Chile en el Perú, el cual se dignó contestar en términos satisfactorios, aunque demasiado genéricos.

Al procederse recientemente á fijar la expresada línea divisoria, se ha sostenido, por algunos funcionarios subalternos, opiniones discordantes con lo establecido en el tratado de Ancón; y con tal motivo, dirigí á ese departamento mi nota de 8 de octubre, ratificando las declaraciones anteriores de la mencionada cancillería. Estimé conveniente manifestar en dicho documento, que, aun cuando se tratase de fijar los linderos con fines de administración interior, no era dable prescindir de la ingerencia del Perú.

En efecto, ninguno de los territorios situados al norte de la quebrada de Camarones, sobre los cuales no tiene Chile dominio y soberanía definitivos, puede sujetarse, en su régimen interno, á las mismas reglas que los territorios situados al sur de dicha quebrada. Debe, por lo tanto, haber perfecta conformidad entre los límites que se adopten para fines de administración interna y los ya establecidos en el orden internacional.

Es natural atribuir á los dos últimos y recientes cambios operados en el personal del gabinete, el no haberse contestado hasta hoy mi citada nota; pero fiado en la honrada sinceridad de los propósitos de este gobierno, me congratulo con la esperanza de que, en ningún caso, al resolverse este asunto, se alterará la demarcación secular de las circunscripciones políticas de Tacna y Tarapacá. Cumple, entretanto, á mi deber llamar la atención de VE., como paso á hacerlo, hacia un procedimiento irregular, adoptado en esta materia, que no dudo será debidamente subsanado.

Por decretos supremos de 3 de noviembre de 1885 y 28 de agosto de 1888, se incorporaron al departamento chileno de Pisagua varios caseríos que, bajo el régimen peruano, con arreglo á leyes vigentes, pertenecieron al distrito de Codpa, en la provincia de Arica. Segregados esos caseríos del territorio sobre el cual Chile no ejerce soberanía definitiva, se les ha incluido en aquel sobre el cual ejerce dominio completo.

La irregularidad de esta medida, por decir lo menos, está sustentada por las mismas autoridades chilenas de esas regiones, tales como el gobernador de Arica, Señor Montt, é intendente de Tacna, Señor Palacios. El primero en un informe de 15 de marzo último, recaído en la conocida solicitud de don David Mac Iver, sostiene, entre otras cosas: que el límite entre Arica y Pisagua está fijado por el tratado de Ancón, por la ley peruana de 1º. de diciembre de 1868, en virtud de la cual se creó la provincia litoral de Tarapacá separándola del departamento de Moquegua, y por las leyes chilenas relativas á la erección de las provincias de Tacna y Tarapacá; que dentro de dicha quebrada existen muchos

caseríos; que siempre dependieron de Arica los situados al norte del cauce del río de Camarones, y de Pisagua los ubicados al sur; que esta situación legal se modificó por los decretos del poder ejecutivo antes referidos, con los cuales se sustrajeron de Arica y se incorporaron á Pisagua los caseríos de Guancarane, Pachica y Esquiña; que los decretos citados son opuestos á las leyes creadoras de las provincias de Tacna y Tarapacá, al artículo 37, inciso 5°. de la constitución del estado y á lo estipulado en el tratado de Ancón.

El intendente Palacios ratifica el informe de la manera más expresiva y dice: "por el estudio que el infrascrito ha hecho de los atlas de Paz-Soldán, aludidos por el solicitante; por las diversas informaciones de personas conocedoras de esas localidades; por la letra y espíritu de las leyes de creación de las provincias de Tacna y Tarapacá, así como de los decretos supremos que demarcaron las comprensiones departamentales, me queda el convencimiento de que el gobernador de Arica, en sus conclusiones, está en la verdad fundada y bien demostrada."

Si debe evitarse la menor alteración en la línea divisoria señalada por el tratado de paz, según está demostrado, por idénticos motivos conviene dejar sin efecto los citados decretos de 1885 y 1888, en la parte referente á los caseríos segregados de Arica. En todo caso, al Perú no le es dado reconocer los efectos de ninguna medida por la que resulte menoscabada la integridad de los territorios, cuya suerte definitiva está subordinada á una votación plebiscitaria.

Tengo encargo igualmente, de llamar la atención de V. E. sobre las concesiones de yacimientos de borato y de otras sustancias, hechas á empresas particulares en los territorios de Tacna y Arica, y sobre el anunciado proyecto de conceder covaderas y dar en arrendamiento ó venta terrenos salitreros.

Tales concesiones, atendido su objeto, sólo pueden otorgarse por el dueño del territorio, por el que ejerce una soberanía permanente y absoluta; por el que tiene la facultad de disponer del suelo y de sus riquezas. A los simples ocupantes, como á Chile en este caso, no les es dado ejercer actos de señorío completo, no les corresponde el derecho de comprometer el territorio para un porvenir que no les pertenece. Inmediatamente después de firmado el tratado de paz, pudo hacerse concesiones temporales, de cierto orden que no importasen la enajenación del suelo; entonces había seguridad para Chile de ejercer un dominio limitado de diez años; mas hoy, sujeta la subsistencia de su autoridad á

las contingencias de un plebiscito de muy próxima realización, las concesiones de dominio no se explican, y en ningún caso podrán extenderse sus efectos más allá del tiempo de la ocupación.

El espíritu de las consideraciones expuestas está encarnado en la legislación minera de los pueblos modernos. Según el código de minería de Chile, el estado, como dueño del territorio, es igualmente dueño de todas las minas, y fundado en ese título concede á los particulares la propiedad perpetua de ellas, bajo la condición de pagar anualmente una patente. Pero tratándose de Tacna y Arica, sobre cuyo suelo y riquezas minerales no tiene Chile un dominio perfecto, no puede, en ninguna forma, transmitir la propiedad perpetua de las minas.

El año 1892, el gobierno de V. E. estuvo á punto de celebrar con la empresa Firth un contrato destinado á prolongar el ferrocarril de Tacna. Como la concesión, según el proyecto de ley referente á ella, debía extenderse hasta más allá del mes de marzo de 1894, el encargado de negocios del Perú tuyo á bien objetarla. En nota de 10 de diciembre de 1892, dirigida á la cancillería de Santiago, formuló esta declaración: " . . . no estando ocupadas sino temporalmente las provincias peruanas de Tacna y Arica, no estima ni gobierno conforme á derecho que el de Chile celebre contratos ni dicte disposiciones cuyos efectos alcancen á un período mayor que el señalado para la ocupación, en el tratado de paz de 1883." Esta misma declaración la renuevo ahora, en lo que tiene de aplicable á las concesiones de pertenencias mineras.

Se ha tratado también, y aún se trata, de llevar á cabo en Tacna y Arica, proyectos de colonización é irrigación. El 31 de agosto de 1899, uno de los honorables antecesores de V. E. recomendó, por escrito, al inspector general de tierras y colonización, un estudio serio sobre la posibilidad de establecer colonias nacionales y de extender y mejorar los medios de irrigación. Hoy haciéndose referencias á nuevas iniciativas del delegado en Tacna, señor Guerrero Bascuñán, se da como probable la inversión de una respetable suma de dinero en empresas de esta índole, en los valles de Tacna, Lluta, Vitor y Azapa.

La colonización, según los medios ideados por las leyes, decretos y contratos sancionados en Chile, reposa, como en todo país ansioso de ser poblado, sobre la base de otorgar á los colonos terrenos en propiedad, sea á título gratuito, ó á título oneroso, con un largo plazo para el pago; en ambos casos hay enajenación de tierras. Con este espíritu, se dictaron las leyes de 4 de diciembre de 1866 y 4 de agosto de 1874, los decretos supremos de 28

de diciembre de 1889, reglamentario de la oficina de tierras y colonización y de 1°. de septiembre de 1899; y obedeciéndose á igual propósito, se celebró el contrato de colonización con don Charles Colson el 14 de febrero de 1896, aprobado por ley de 22 de diciembre de 1899.

Ahora bien, la venta de tierras públicas, base cardinal de toda gran empresa de colonización, aliciente poderoso para formar poblaciones estables, sólo puede verificarse por el dueño y soberano de las tierras, mas no por Chile, simple ocupante de ellas. En el orden internacional como en el civil, sólo el propietario tiene los derechos de usar, gozar y disponer de las cosas. El simple poseedor en cuyo título consta no habérsele trasferido el dominio pleno y definitivo, no es en realidad, en el caso más favorable, sino un mero usufructuario; y si como tal puede ejercer los derechos de usar y de gozar, no le corresponde, en ninguna circunstancia, el derecho de disponer.

Los grandes proyectos de colonización afectan más al porvenir que al presente; suelen modificar el organismo industrial y etnológico de los pueblos y alteran la fisonomía moral de éstos. Dichos proyectos son impropios de la limitada acción de un régimen transitorio, cuyos conductores no tienen certeza alguna sobre la duración ulterior de su autoridad. Más natural parece reservarlos para la nación que adquiera, por los medios previstos en los pactos vigentes, el dominio y soberanía definitivos de los territorios en cuestión. Mi gobierno se reserva acometer empresas destinadas á mejorar la condición de esas regiones, si, como fundadamente espera, se reincorporan al Perú por efecto del plebiscito; pero no está dispuesto á reconocer obligaciones y responsabilidades derivadas de las enajenaciones ó arrendamientos á largo plazo de tierras públicas, que ahora se efectúen.

Otra de las medidas adoptadas ha consistido en la traslación á Tacna del asiento de la primera zona militar y en la consiguiente concentración de tropas en esa localidad. No entra en el ánimo de mi gobierno discutir la facultad constitucional del presidente de la república para disponer, organizar y distribuir la fuerza armada, según lo hallare por conveniente; pero, sin desconocerla en lo menor, considera que hay razones atendibles, en el terreno de las conveniencias cuando menos, contrarias al procedimiento indicado.

En julio de 1895, se dividió en tres zonas militares el territorio de la república, y se dispuso que la primera tuviese su centro militar en la ciudad de Iquique. En enero de 1896, se expidió un decreto reglamentario de las zonas, considerose expresamente

á Tacna como parte integrante de la primera; pero se mantuvo á Iquique como asiento militar de ella. En mayo del mismo año, se fijó la proporción en que los cuerpos del ejército debían distribuirse, y se ordenó, con referencia á la primera zona, la permanencia en Iquique de un regimiento de caballería y de un batallón de infantería, la residencia en Antofagasta de un batallón de infantería y el estacionamiento en Copiapó de un regimiento de artillería. No se estimó conveniente mantener fuerza alguna de importancia en los territorios de Tacna y Arica.

Cuatro años después, sin que nada reclamase la presencia en dichos lugares, de fuerzas numerosas, se ha alterado esta distribución y se ha trasladado á Tacna la plana mayor de la primera zona, sin tomar en cuenta la ubicación central de Iquique, dentro de ella, ni sus grandes ventajas como ciudad comercial y de recursos. Tal medida, de carácter esencialmente militar, se acentuó en abril con la orden de trasladar á Arica el blindado *Almirante Cochrane* y la torpedera *Ingeniero Mutilla*, en cuyos buques funciona la escuela de artillería y de torpedos.

Aun cuando el río Sama, situado al septentrión de aquellos territorios, fuese la frontera definitiva entre Chile y el Perú, no se explicaría la concentración de fuerzas en Tacna. Menos se explica si se considera que se trata de una frontera provisional, cuya seguridad no ha sido amagada, remotamente siquiera, ni antes ni hoy.

Las leyes de los países cuyas instituciones políticas descansan sobre principios liberales y democráticos, prohíben, en obsequio á la libre emisión del sufragio, la concentración de fuerzas militares en épocas de elecciones, en los lugares en que éstas deben verificarse. ¿Acaso no es conveniente la observación de esta misma regla en el orden internacional, cuando sea preciso apelar al voto libre de los pueblos? Si para efectos internos se reputa peligrosa la presencia de la fuerza pública en las circunstancias mencionadas, ¿no debe serlo también para los buenos efectos de la política exterior? Es innegable, según esto, la conveniencia de reducir las fuerzas existentes en Tacna y Arica, á las indispensables para mantener el orden y la seguridad pública, como ha sucedido sin inconveniente alguno en cerca de 20 años.

Con esta reducción, se acallarán, además, los celos de las poblaciones ocupadas; se evitarán dificultades, excitaciones y contiendas personales, siempre muy sensibles y enojosas, y se ahorrará el gobierno de V. E. gastos é instalaciones duraderas, que poco se armonizan con el carácter provisional de la ocupación.

Ha renacido también el antiguo proyecto destinado á independizar el servicio eclesiástico de Tacna y Arica de la diócesis de Arequipa, estableciendo al efecto un vicariato apostólico. La Santa Sede, á cuyo concurso habrá que apelar en este caso, no se allanará, seguramente, á secundarlo, instruída como está de que Chile no ejerce dominio y soberanía definitivos sobre aquellos territorios. Conviene, sin embargo, dejar fundada constancia de la manera de pensar de mi gobierno. En el Perú como en Chile, la iglesia católica vive y se desarrolla al amparo del régimen secular del patronato. Con arreglo á él, los gobiernos civiles, en las circunscripciones territoriales sujetas permanentemente á su dominio, intervienen en la erección y desmembración de las diócesis y parroquias, en la creación de vicariatos apostólicos ó de otra especie, en la provisión de beneficios eclesiásticos y en otras funciones estrechamente vinculadas con la misión temporal de los estados.

El patronato, además, cualquiera que sea la fuente de donde se le haga derivar, es un atributo estrechamente unido al ejercicio de la soberanía nacional. Su acción sobre determinadas iglesias, subsiste mientras no se extingue la soberanía sobre los territorios en donde ellas funcionan, no se trasfiere sino cuando se traspasa la soberanía en forma absoluta y permanente. Tratándose de Tacna y Arica, ni el Perú ha cedido, ni Chile ha adquirido el dominio y soberanía definitivos; no ha llegado, por lo tanto, el caso de suponer extinguidas en el Perú las funciones de patrono respecto de aquellas iglesias.

No se palpan, por otra parte, los inconvenientes de la continuación del actual estado de cosas; no los ha habido en 20 años y no los habrá en adelante. En todo caso ¡vale la pena cambiar este régimen por otro de duración fugaz, si, como todo lo hace suponer, el plebiscito resulta favorable al Perú?

No faltará quienes apoyen esta medida, por creerla destinada á poner en juego los resortes de la religión para dirigir las conciencias por el camino de determinadas soluciones. Pero estoy seguro de que esto no forma parte de los designios en que se inspira la política internacional del gobierno de V. E. A su ilustración no se oculta que desde la caducidad de la Santa Alianza, la cual pretendió hacer del cristianismo un instrumento de rivalidad entre los estados, si la religión se toma alguna vez en cuenta por el derecho internacional es para afianzar, mas no para relajar, los vínculos de confraternidad entre los pueblos.

Tampoco debo pasar en silencio, siguiendo las instrucciones de

mi gobierno, las órdenes de las autoridades subalternas de Tacna y Arica, que dificultaron ó impidieron el 28 de julio, aniversario de la independencia del Perú, las naturales manifestaciones de júbilo patriótico, de los nacionales peruanos, no obstante tratarse de una fecha gloriosa para todas las naciones que, por la acción de esfuerzos solidarios, surgieron á la vida independiente, á principios de este siglo.

Me congratulo al declarar que cuando denuncié tan inverosímiles procederes al entonces ministro del interior y relaciones exteriores, este funcionario ordenó dos veces consecutivas, por medio del telégrafo, que se permitiera la conmemoración del citado aniversario. Desgraciadamente, este mandato no fué debidamente acatado, y mis connacionales, sintiéndose injusta y vejatoriamente hostilizados, desistieron de cumplir uno de los deberes más sagrados de patriotismo. Debo dejar igualmente constancia, de que una parte de la prensa chilena, secundada por personas que escudriñan el porvenir con mirada penetrante, censuró con entereza la conducta de dichas autoridades y pidió al gobierno medidas de justa reparación, que debo suponer se dictarán.

Puede agregarse á lo anterior, como motivos de justo resentimiento y alarma, en las poblaciones de Tacna y Arica, la mal encubierta hostilidad de que es objeto el elemento peruano por parte de las mencionadas autoridades subalternas; así como el ardoroso é insistente, pero hasta hoy ineficaz empeño desplegado por ellas, para inducir al gobierno de V. E. á acometer la liberticida empresa de acallar con medidas de violencia la voz del periodismo en aquellas regiones.

Si á lo referido, se añade la traslación á Tacna de la corte de apelaciones de Iquique; la proyectada rebaja de derechos á las importaciones por la aduana de Arica; las declaraciones del honorable representante de Chile en Bolivia, sobre los propósitos de esta nación respecto de Tacna y Arica; la prolongada é indebida ocupación de una parte de la provincia peruana de Tarata, y el indefinido aplazamiento del plebiscito, se ve que, independientemente de la acción irregular de las autoridades subalternas, parece predominar el propósito de sustraer del imperio de la legislación común á las provincias de Tacna y Arica para someterlas á un régimen excepcional.

Opinan algunos que Chile debe emplear estos medios para ganar el plebiscito, por razón de los yacimientos de salitre existentes en dichas provincias. Ya en 1898 el gobierno de V. E. obtuvo del Perú, para el caso de que la votación le fuera favorable, el

compromiso generoso de no explotar el salitre sino en condiciones fiscales, análogas á las vigentes en territorio chileno; pero mi gobierno se negó á asentir á una posterior solicitud del de V. E., á fin de obtener la oferta protocolizada de no adoptar medida alguna respecto á la explotación ó trasfencia de dominio de los yacimientos, con la cual pudiera menoscabarse el monopolio de Chile.

La cancillería de Lima expuso en esa oportunidad: que el asunto era ajeno á las estipulaciones destinadas á dar cumplimiento al pacto de Ancón; que el principio de soberanía incondicional sobre aquellos territorios no podía ser sacrificado por consideración alguna; que la admisión de tal doctrina constituiría un precedente desfavorable para los demás territorios peruanos en donde se descubriesen yacimientos de salitre; que, por fin, no existían salitreras susceptibles de explotación industrial.

Hoy veo, con satisfacción, que las miras de V. E. no tuvieron el exagerado alcance de una condición ineludible. En efecto, la cancillería chilena, de una manera implícita, é importantes centros de opinión de una manera expresa, acaban de desautorizar el parecer de uno de sus distinguidos diplomáticos, el cual, refiriéndose al litoral boliviano, había dicho: "que el litoral es rico y que vale muchos millones, eso ya lo sabíamos. Lo guardamos porque vale, que si nada valiera no habría interés en su conservación." No es, pues, el valor de los territorios, según el sano criterio del gobierno de V. E., el llamado á resolver, por sí sólo, las cuestiones internacionales pendientes, sino el cumplimiento estricto de los pactos celebrados.

Se ha dicho también que Chile debe conservar esos territorios en vista de la seguridad de sus fronteras, no resguardadas suficientemente si se fijasen sus límites definitivos en la quebrada de Camarones; y no debe, por lo tanto, desmayar en el camino que se ha trazado recientemente.

Aun cuando no creo que esta opinión llegue á tener acogida en los altos consejos del gobierno de V. E., debo recordar que se puede oponer á ella, la muy importante del señor Boonen Rivera, el cual refiriéndose en un informe á la quebrada mencionada, ha dicho: "por su posición central respecto de los otros valles, y por la gran distancia que los separa de los más vecinos, constituye un baluarte, que fuertemente ocupado, podría defender por completo á la provincia de Tarapacá de toda invasión que tratara de tomar el camino de tierra."

La falta de seguridad, además, no puede por sí sola servir, en

ningún caso, de razón ó pretexto para pretender el dominio de ajenos territorios. Don Andrés Bello, objeto de merecida veneración, comentando hace más de medio siglo los peligros de tal teoría, decía en sus Principios de Derecho Internacional: “los estados suelen valerse de diferentes pretextos para apoderarse del territorio ajeno: el más ordinario y especioso es el de la seguridad propia que peligra, según ellos dicen, si no toman estos ó aquellos límites naturales, que los protejan contra una invasión extranjera. Pero conceder á los pueblos un derecho tan indefinido, sería lo mismo que autorizarlos para despojarse arbitrariamente unos á otros, y en vez de cimentar la paz, ninguna regla sería más fecunda de discordias y guerras.”

A V. E. no puede ocultársele, por otra parte, el efecto contraproducente de la mayor parte de las medidas enunciadas, especialmente el de la exagerada severidad con que se cumplen por los funcionarios subalternos. Hay sentimientos que se afianzan con la adversidad, que renacen y se agigantan con la lucha, que se enardecen con cualquier asomo de imposición: uno de ellos es el sentimiento patriótico. Así se explica, por qué hay en la actualidad, en las poblaciones de Tacna y Arica, tanta ó mayor decisión que antes en favor de la patria peruana. Cuando se firmó el tratado de paz, no se pensó que Chile quedaba autorizado para poner en juego sus influencias con el objeto de propiciarse el voto de las poblaciones de Tacna y Arica por un plazo mayor de diez años, y mucho menos por un tiempo indefinido. Dentro de un decenio, Chile pudo hacer cuanto ha estado en la esfera de sus atribuciones para conseguir el indicado objeto; pero una vez terminado, no tiene explicación plausible la amplitud de las facultades que ejerce. El tratado de Ancón sometió á prueba, es cierto, á las indicadas provincias, pero dentro de un período fijo, el cual terminó el 28 de marzo de 1894; y no hay razón para prolongar esa prueba, mucho menos con el rigor desplegado ahora, por un tiempo indeterminado. La aceptación de una indefinida prórroga, equivaldría á admitir que el plebiscito sólo debía realizarse cuando adquiriera Chile la completa seguridad de un éxito favorable á sus aspiraciones, en cuyo caso de nada habrían servido los plazos fijados de antemano.

En 1894, estando la cancillería chilena á cargo del honorable señor Sánchez Fontecilla, el gobierno de V. E. solicitó del Perú una prórroga del plazo de ocupación de Tacna y Arica, hasta el 28 de marzo de 1898. Este pedido, por sí solo, demuestra que, aún en concepto del gobierno de V. E., era indispensable el acuerdo

del Perú para seguir ejerciendo autoridad en esos territorios, después de 1894, en una forma irreprochablemente legítima.

Uno de los medios más fáciles de poner pronto y amistoso término á estas lamentables divergencias, consiste en ir resueltamente al plebiscito, en la forma pactada en el protocolo Billinghurst-Latorre. Así cesaría la situación provisional de Tacna y Arica, germen de las dificultades y diferencias entre nuestros dos países. Sin efecto práctico, la serie de tentativas hechas por el Perú desde 1892 hasta la fecha para el arreglo de este asunto primordial, no habiendo desaprobado Chile el protocolo antes indicado y no habiendo tenido nada nuevo que proponer desde abril de 1898, en que éste se celebró, su sanción definitiva se impone como el mejor medio de llegar al fin de este ya largo período de desavenencias y zozobras que entorpecen el desarrollo regular de ambas naciones.

De todos modos, pero especialmente si el protocolo se desechase ó si se retardase la resolución pendiente respecto de él, mi gobierno confía que en obsequio á la buena armonía de nuestros respectivos países, en homenaje á las leyes bajo cuya garantía están colocados los territorios de Tacna y Arica, y en cumplimiento de lo dispuesto en el tratado de paz de 1883, se restablecerá el régimen de la legalidad en esos territorios, dejando sin efecto las medidas contrarias á él, y no se dará curso á los proyectos que tienden á trastornarlo.

Estoy seguro de que el gobierno de V. E. ha procedido animado de convicciones sinceras y con propósitos elevados. Por esto mismo, tengo fe en que, al advertir cualquier error, merced á las consideraciones apuntadas, lo enmendará cediendo á las sugerencias de su propia rectitud. Se ha cedido quizá á los impulsos de un exagerado celo patriótico; pero una vez calmadas las excitaciones de tan respetable sentimiento, no dudo que se hará justicia á la demanda amistosa del Perú.

Me es grato ofrecer a V. E. en esta nueva oportunidad los sentimientos de mi más alta y distinguida consideración.

CESAREO CHACALTANA.

Al Excmo. Señor D. EMILIO BELLO CODECIDO,
Ministro de Relaciones Exteriores de Chile.

No. 128

Note from Peruvian Minister Chacaltana, dated December 15, 1900, complaining that no reply had been sent him and stating that unjustifiable methods of chilenization were still being undertaken. (Circular of 1901, p. 429.)

No. 32.]

LEGATION OF PERU IN CHILE,
Santiago, December 15, 1900.

SIR: Under date of the 14th of November last, I addressed to Your Excellency a communication designed to show the unjustified hardships caused in the provinces in occupation by the series of measures of a fundamental character, recently adopted or in process of adoption, and relating to the political and administrative Government of the Peruvian provinces of Tacna and Arica, although the latter are only subject to the precarious and temporary jurisdiction of Chile, a jurisdiction which should have ceased in March, 1894. As was to be expected, I concluded my remarks by requesting Your Excellency, in deference to justice, to the existing engagements between our two countries, to the principles of international law and to the provisions of Chilean legislation, that these measures be repealed and the plans for their enforcement be discontinued.

A month has elapsed since then, and Your Excellency has not, as yet, been pleased to reply to my communication. Nor has Your Excellency replied to my dispatches of previous and subsequent dates, relative to the proposed demarcation of the boundary line between Arica and Pisagua, in respect to which several persons are displaying a certain unusual insistence to induce Your Excellency's government to proceed illegally respecting the territorial integrity of Arica, for the sole purpose of depriving this province of a large portion of its natural wealth so as to incorporate it with the present Chilean district of Pisagua.

I should have interpreted Your Excellency's prolonged silence as the assent by the Chilean Government to the just demands of mine, had it coincided with the adoption of measures of reparation, with the re-establishment of nationality by the ruling power governing the territories of Tacna and Arica, and with the manifest intention of leading the two countries to an immediate holding of the plebiscite, stipulated in the Peace Treaty of 1883, for which purpose the Billinghurst-Latorre protocol was concluded.

But under cover of this silence not only has the initial vigor of the measures in reference been persisted in, but the intention seems to be the immediate adoption of new ones. Thus, the newspapers have announced the projected investment of nearly eighty thousand "pesos" for the building, in Tacna, of a Court and Government House, and more than fourteen thousand "pesos" in waterworks. This shows the purpose, on the part of Chile, of prolonging for an indefinite time, as she has in fact already prolonged for several years, an occupation which legally ended in 1894.

As these are delicate and irritating questions, likely to give rise to the most serious misunderstandings, this Legation has endeavored to present the greatest possible number of arguments in support of the claims which have been made; and it has awaited a reply in harmony therewith.

Not having, so far, obtained this reply, in any shape, and this situation, harmful to valuable and lofty interests which my government is bound to safeguard and protect, being meanwhile unduly prolonged, I would request Your Excellency to be so good as to reply to my aforesaid dispatches, granting the just demands which I have formulated, or stating the reasons which the Chilean Government may have for the maintenance in force of the measures to which this demand refers.

I have the honor, etc.

CESAREO CHACALTANA.

To His Excellency Señor EMILIO BELLO CODECIDO,
Minister for Foreign Affairs of Chile.

Nº 128

Nota del Ministro peruano Chacaltana, de 15 de diciembre de 1900, quejándose de la falta de respuesta y afirmando que se siguen adoptando medidas no justificadas de chilenización.
(Citada Circular de 1901, pág. 429.)

Núm. 32.]

LEGACION DEL PERÚ EN CHILE.

Santiago, 15 de diciembre de 1900.

Señor MINISTRO: Con fecha 14 de noviembre último, tuve á bien dirigir á V. E. una comunicación destinada á patentizar lo injustificado é inconveniente de la serie de medidas de carácter trascendental, adoptadas recientemente, ó en vías de adoptarse sobre el régimen político y administrativo de las provincias peruanas de Tacna y Arica, no obstante estar sometidas éstas á sólo la jurisdicción precaria y temporal de Chile, la cual debió

cesar en marzo de 1894. Como era natural, concluí pidiendo á V. E. en obsequio á la justicia, á los compromisos vigentes entre nuestros países, á los principios del derecho internacional y á los preceptos de la propia legislación chilena, la derogatoria de esas medidas y el abandono de los proyectos destinados á completarlas.

Ha trascurrido un mes, y V. E. no se ha servido contestarme. Tampoco ha contestado V. E. mis notas de fecha anterior y posterior, relativas á la proyectada fijación de límites entre Arica y Pisagua, con respecto á la cual se despliega, por algunas personas, cierto empeño inusitado para inducir al gobierno de V. E. á atentar contra la integridad territorial de Arica, con el exclusivo objeto de privar á esta localidad de una gran parte de sus riquezas naturales, para incorporarlas al hoy distrito chileno de Pisagua.

El prolongado silencio de V. E. lo habría estimado como un asentimiento del gobierno de Chile á las justas demandas del mío, si él hubiese coincidido con la adopción de acuerdos reparadores, con el restablecimiento de la nacionalidad en el régimen imperante en los territorios de Tacna y Arica, y con el manifiesto propósito de encaminar á los dos países á la realización inmediata del plebiscito pactado en el tratado de paz de 1883, con cuyo objeto se celebró el protocolo Billingham-Latorre.

Pero al amparo de ese silencio, no sólo ha continuado en todo su vigor el impulso inicial de las medidas referidas, sino que se intenta, al parecer, la adopción inmediata de otras nuevas. Así, los diarios han anunciado la próxima inversión de cerca de ochenta mil pesos, en la construcción, en Tacna, de un edificio para los tribunales y la intendencia, y de más de catorce mil pesos en el servicio del agua potable. Esto revela el propósito, por parte de Chile, de prolongar aún, por tiempo indefinido, como ha prolongado ya de hecho, por cerca de siete años, una ocupación que legalmente terminó en 1894.

Como se trata de cuestiones delicadas, enojosas y susceptibles de conducir á las más serias desavenencias, esta legación ha procurado aducir la mayor suma posible de razonamientos, al sustentar los reclamos que ha formulado; y ha esperado una respuesta en armonía con ellos.

No habiendo obtenido hasta la fecha esa respuesta en ningún sentido, y prolongándose, entretanto, una situación perjudicial á los valiosos y sagrados intereses que mi gobierno está en el deber de amparar y proteger, me dirijo á V. E. con el objeto de

pedirle se sirva dar respuesta á mis precitadas notas, ya sea accediendo á las justas demandas que he formulado, ya manifestando los motivos que tenga el gobierno de Chile para dejar subsistentes las medidas á que esas demandas se refieren.

Tengo el honor, etc.

CESAREO CHACALTANA.

Al Excmo. Señor don EMILIO BELLO CODECIDO,
Ministro de Relaciones Exteriores de Chile.

No. 129

Reply from the Chilean Minister Bello Codecido to the above,
December 18, 1900. (Circular of 1901, p. 431.)

No. 1153.]

REPUBLIC OF CHILE,
MINISTRY OF FOREIGN AFFAIRS,
Santiago, December 18, 1900.

SIR:

* * * * *

It has been very far from the writer's intention to deliberately delay a reply to Your Excellency's dispatches, and much less to incur in the discourtesy of leaving these communications completely unanswered.

Your Excellency is aware that the government, for some time, has been experiencing somewhat unusual difficulties by reason of the continued absence from the capital of His Excellency, the President of the Republic, and of the frequent changes of personnel which the Cabinet has undergone.

Your Excellency likewise knows that at the time when Your Excellency sent the aforesaid notes, either a Cabinet crisis had occurred, or it was only a short while since the undersigned had assumed the portfolio of Foreign Affairs.

Finally, Your Excellency is not unaware of the fact that more than ten days ago the members of the present cabinet presented their resignations, and that since then none but the most urgent and daily matters, connected with their respective departments, have been considered.

It is due to these circumstances, which the government has been unable either to avoid or remedy, that Your Excellency will find the true and only explanation of the lack of a reply complained of by Your Excellency and which the undersigned likewise deploras.

Although it would have been an easy matter to furnish Your Excellency with the reasons which justify and recommend the adoption of those measures of an administrative nature adopted by the government in the departments of Tacna and Arica, which are subject to the legal and administrative provisions which govern the other sections of the republic, this Department has not wished to proceed without having first made a careful study of each one

of the measures that Your Excellency deems have exceeded the authority exercised by Chile, while she continues in occupation of these territories, or which are in conflict with the rights the Peruvian nation believes she has upon them.

* * * * *

As soon as the government's position shall once again become normal, this Department will send Your Excellency a careful and detailed reply on all the points referred to in Your Excellency's note, and I hope to furnish a full and satisfactory reply to the observations made therein.

* * * * *

I reiterate to Your Excellency the assurance of my most distinguished consideration.

EMILIO BELLO C.

To His Excellency DON CESAREO CHACALTANA,

Envoy Extraordinary and Minister Plenipotentiary of Peru.

Nº 129

Respuesta del Ministro chileno Bello Codecido a la anterior, de 18 de diciembre de 1900. (Citada circular de 1901, pág. 431.)

Núm. 1153.]

REPUBLICA DE CHILE,
MINISTERIO DE RELACIONES EXTERIORES,
Santiago, 18 de diciembre de 1900.

Señor MINISTRO:

* * * * *

Ha estado lejos del ánimo del infrascrito retardar deliberadamente su respuesta a las citadas notas de V. E., ni mucho menos incurrir en la descortesía de dejarlas sin respuesta alguna.

Sabe V. E. que el gobierno atraviesa desde hace algún tiempo por circunstancias un tanto anormales con motivo de la casi constante ausencia de la capital de S. E. el presidente de la república y de las frecuentes modificaciones que ha sufrido el personal del gabinete.

Sabe igualmente V. E. que á la fecha en que V. E. dirigió sus precitadas notas, ó se hallaba el gabinete en crisis ó hacía pocos días que el infrascrito tenía á su cargo la cartera de relaciones exteriores.

Por último, no ignora V. E. que hace más de diez días que presentaron sus renunciaciones los miembros del actual gabinete y que desde entonces sólo han podido ocuparse del despacho urgente y diario de los respectivos departamentos.

En estas circunstancias, que no ha estado en mano del gobierno evitar ó subsanar, encontrará V. E. la verdadera y única explicación de la falta de respuesta que V. E. observa y que el infrascrito también deplora.

Aun cuando habría sido fácil tarea la de exponer á V. E. las razones que justifican y aconsejan la adopción de las medidas de carácter administrativo tomadas por el gobierno en los departamentos de Tacna y Arica, sujetos á las disposiciones legales y administrativas que rigen en los demás departamentos de la república, no ha querido este departamento proceder sin hacer antes un estudio detenido de cada una de las medidas que V. E. ha estimado fuera de las facultades que corresponden á Chile mientras conserve la ocupación de aquellos territorios, ó contrarias á los derechos que sobre ellos cree tener la nación peruana.

* * * * *

Tan pronto como se normalice la situación del Gobierno, este departamento enviará a V. E. una respuesta detenida y detallada sobre todos los puntos enunciados en las notas de V. E. y espero dejar amplia y satisfactoriamente contestadas las observaciones que en ellas se aducen.

* * * * *

Renuevo a V. E. las seguridades de mi más distinguida consideración.

EMILIO BELLO C.

A S. E. el señor don CESÁREO CHACALTANA,
Enviado Extraordinario y Ministro
Plenipotenciario del Perú.

No. 130

Minister Chacaltana's reply of December 24, 1900. (Circular of 1901, p. 434.)

No. 33.]

LEGATION OF PERU IN CHILE,
Santiago, December 24, 1900.

SIR: I have had the honor to receive Your Excellency's note of the 18th inst. the purpose of which is to explain the motives that have prevented your Chancery from replying to my communication of November 14 and other dates, as well as satisfying the well-founded claims formulated therein. Your Excellency assures me that I shall duly receive adequate replies as soon as the situation of the government becomes normal, a situation which has been disturbed for more than fifteen days by the resignation of the members of the present Ministry.

* * * * *

The Billinghurst-Latorre protocol was concluded as an honest and loyal means of carrying into effect Article Three of the Peace Treaty of 1883, and to bring to a close the *de facto* situation which prevails today in the territories of Tacna and Arica. My government, with exceptional persistency, has been steadily soliciting the approval of this measure, from 1898 until today, both orally and in writing, according to the forms usually employed by nations jealous of their most fundamental prerogatives and rights. To these unceasing demands Your Excellency's government has invariably replied, for over a year, by confining itself from time to time, to desiring the Legislative Chambers to expedite this matter; but the Honorable House of Representatives, for reasons so far unknown, has considered it advisable to maintain the most impenetrable silence for nearly two years and has abstained from giving its important decision in respect to the protocol, which has thus been indefinitely postponed.

Secure in this attitude, which implies that nothing is decided, and which completely prevents the execution of the Treaty of Ancon, the Chilean Government continues meanwhile to indefinitely use and enjoy, to the evident impairment of the expectations and sovereignty of Peru, an authority and a power which legally expired in March, 1894.

* * * * *

Besides, it is not fitting that under the pretense of an indefinite postponement of every solution, the methods, generally known as the *Chilenization* of Tacna and Arica, should be applied with ever-increasing rigor.

Until Your Excellency's government shall not have repealed these measures, the imperative necessity for both parties to reach an immediate solution is urgently required. Otherwise, the time will come when no agreement will be possible, to counteract the damage suffered and the abuses irrevocably consummated.

Meanwhile, instead of endeavoring to arrive at this desired solution, new legislative resolutions are passed. The Honorable Senate, during its session of the 18th inst., voted favorably upon a bill whose one and only article provides as follows:

"The Tacna and Arica Railroad Company or its legal representative, is hereby granted an extension of eighteen months dating from the passage of this law, to conclude and open to public traffic the extension of this railroad to the point known as San Francisco."

When, in 1892, a similar work was contracted for, my government left on record, as I have already informed Your Excellency on a previous occasion, that it did not recognize the lawfulness of the entering into contracts by the Chilean government, or the taking of any measures by it the effects of which were to extend beyond the period of the ten years' occupation stipulated in the Peace Treaty of 1883. The decade referred to expired in March, 1894, and Chilean authority from that date, was of a still more precarious and restricted character. Before that time her authority was insured, for a more or less limited but definite period; subsequent to that date, the maintenance of her authority has no fixed period assured; it is exercised merely *de facto*, that very position being subject to the contingencies of a plebiscite, and may therefore end at any time. I reiterate today, therefore, on behalf of my government, with still better grounds than formerly, the reservations formulated in 1892.

It cannot escape the discernment of Your Excellency that the measures undertaken by Chile, far from indicating the purpose of assimilating the provinces of Tacna and Arica, in a gradual, peaceful and willing manner on their part, are in fact assuming all the characteristics of a violent annexation.

Chile continues, indeed, to indefinitely occupy those territories with no real title thereto; the only one she ever had lapsed in March, 1894. Furthermore, she avails herself of the soil and its

resources as though she were the owner thereof, when at best she is merely the usufructuary; she promulgates interdictory laws, such as that decreeing the closure of Peruvian schools, at a time when those territories are under the guarantees furnished by the legal Government of Chile; she dismembers the territory of Arica, to add some districts of this province to the Chilean district of Pisagua, notwithstanding the stipulated boundary line between both territories. If to this is added the coercive and other measures intended to suppress legitimate manifestation of patriotic feelings on the most glorious anniversary observed by Peru, the concentration of military forces, her systematic exclusion of Peruvian citizens from all local employment, the hostility displayed against the latter by the subordinate civil authorities, in order to secure their exodus from those territories, and many other circumstances mentioned in detail in my note of November 14, it will readily be understood how justified are the causes for the alarm felt by the inhabitants of both territories, whose interests and rights my government cannot fail to protect and defend.

If Your Excellency's government should, as it surely will, study these questions with an open and dispassionate mind, inspired by the necessity for allowing unrestrained fulfillment of the high destinies of the different nations of our continent, it will undoubtedly repeal the measures complained of. Since victory, that is, the predominance of might, is not, nor should be the supreme law of nations, the joint advance of our respective countries must be regulated according to the dictates of justice, equity and a strict execution of treaties. Your Excellency will not, therefore, consider it irrelevant that, while expecting a reply to my dispatch of the 14th of November, I should insist at this moment and ask for the repeal of the resolutions to which it refers, and the suppression of those recently contemplated.

I likewise request in the name of my government, the final approval by the honorable Chilean Congress, of the Billinghurst-Latorre protocol. My reiterated requests in this direction have not succeeded in securing that the House of Representatives should take up the consideration of this matter during the period of its regular sessions which has already come to an end. I was compelled, for that reason, to insist that this request be attended to during the present special sessions; and notwithstanding the fact that almost two and a half months of these latter have already elapsed, I note with regret that the matter is still in

abeyance, as if the purpose of keeping it in a continued state of indefinite postponement had really been decided upon.

* * * * *

I have the pleasure to reiterate to Your Excellency, on this occasion, the assurances of my most distinguished consideration.

CESÁREO CHACALTANA.

To His Excellency, Señor EMILIO BELLO CODECIDO,
Minister for Foreign Affairs of Chile.

Nº 130

Réplica del Ministro Chacaltana, de 24 de diciembre de 1900.
(Citada Circular de 1901, pág. 434.)

Núm. 33.]

LEGACIÓN DEL PERÚ EN CHILE,
Santiago, 24 de diciembre de 1900.

Señor MINISTRO: He tenido el honor de recibir la nota de V.E. de 18 del actual, destinada á exponer los motivos que han impedido á esa cancillería el dar respuesta á mis comunicaciones de 14 de noviembre y otras fechas, así como á los justos reclamos en ellas formulados. Me da V. E. la seguridad de obtener las debidas respuestas tan pronto como se normalice la situación del gobierno, perturbada hace más de quince días por la renuncia de los miembros del actual ministerio.

* * * * *

El protocolo Billinghurst-Latorre fué pactado como medio de dar cumplimiento honrado y leal al artículo 3.º del tratado de paz de 1883, y de hacer cesar la situación de hecho que hoy impera en los territorios de Tacna y Arica. Mi gobierno ha estado solicitando su aprobación, con excepcional constancia, desde 1898 hasta la fecha, por escrito y de palabra, en todas las formas usuales por las naciones celosas de sus más esenciales prerrogativas y derechos. A ese reclamo incesante, ha respondido el gobierno de V. E., desde hace más de un año, limitándose á recomendar, de tiempo en tiempo, á las cámaras legislativas el despacho del asunto; pero la honorable cámara de diputados, por motivos hasta hoy desconocidos, ha tenido por conveniente mantenerse, por cerca de dos años, en el más completo silencio, en la más absoluta abstención, aplazando indefinidamente su alto acuerdo sobre la suerte del protocolo.

Al amparo de esta actitud, con la cual nada se resuelve y se mantiene entorpecido el cumplimiento del tratado de Ancón,

el gobierno de Chile continúa usufructuando de hecho, por indefinido tiempo, con evidente menoscabo de las expectativas y de la soberanía del Perú, una autoridad y un poder que expiraron legalmente en marzo de 1894.

* * * * *

No es propio, por otra parte, que al amparo del aplazamiento indefinido de toda solución, se continúe desarrollando, cada vez con más inusitado rigor, el plan bautizado por la generalidad con el nombre de *chilenización* de Tacna y Arica.

Mientras el gobierno de V. E. no revoque sus medidas, se impone para ambas partes la necesidad de una solución inmediata. De otro modo, llegará un momento en el cual ningún acuerdo será capaz de reparar los quebrantos inferidos y las infracciones definitivamente consumadas.

Pero, en vez de llegar á dicha solución, se adoptan nuevos acuerdos. El honorable senado, en sesión de 18 del corriente, ha aprobado un proyecto de ley, cuyo artículo único dice así:

“Concédese á la empresa del ferrocarril de Arica á Tacna ó á quien sus derechos represente, una prórroga de 18 meses, contados desde la fecha de la presente ley, para que concluya y entregue al tráfico público la prolongación de dicho ferrocarril hasta el punto denominado San Francisco.”

Cuando en 1892 se contrató una obra análoga, mi gobierno dejó constancia, según lo he manifestado á V. E. en otra oportunidad, de que no estimaba conforme á derecho, que el gobierno de Chile celebrase contratos ó dictase disposiciones cuyos efectos alcanzasen á un período mayor de los diez años de ocupación pactados en el tratado de paz de 1883. El aludido decenio terminó en marzo de 1894 y la autoridad de Chile, desde entonces, tuvo un carácter más precario y limitado. Antes de esa fecha, su dominación estuvo asegurada por un plazo más ó menos corto, pero siempre fijo; después de ella el mantenimiento de su autoridad no tiene asegurado plazo alguno, se ejerce de hecho simplemente, y ese mismo hecho, sujeto á las contingencias de un plebiscito, puede desaparecer de un momento á otro. Reitero, por lo tanto, á nombre de mi gobierno, hoy con mayor fundamento que antes, las reservas formuladas en 1892.

A la notoria ilustración de V. E. no debe ocultarse que la obra emprendida en nombre de Chile, lejos de significar el propósito de asimilarse las provincias de Tacna y Arica, en una forma gradual, pacífica y voluntaria por parte de ellas, está revistiendo, en el hecho, los caracteres de una anexión violenta.

Chile, en efecto, sigue ocupando indefinidamente esos territorios, sin verdadero título; el único que tenía dejó de ser valedero desde marzo de 1894. Además, dispone del suelo y sus riquezas, como dueño, cuando en el mejor de los casos es un mero usufructuario; aplica leyes de excepción, como al decretar la clausura de las escuelas peruanas, cuando esos territorios están bajo las garantías del régimen legal chileno; desmembra el territorio de Arica, para agregar algunos distritos de esta provincia á la circunscripción chilena de Pisagua, no obstante haberse pactado una línea fronteriza entre ambos territorios. Si á esto se agrega las medidas coercitivas ó de otra especie, con las cuales se ha intentado comprimir las legítimas expansiones del sentimiento patrio, en la fecha más gloriosa del Perú, la concentración de fuerzas militares, la exclusión sistemática del elemento peruano de los cargos locales, las hostilidades desplegadas contra éste por las autoridades subalternas para conseguir su eliminación de aquellos territorios, y otros hechos detallados en mi nota de 14 de noviembre, se comprenderá cuán justísimos son los motivos de alarma de los habitantes de aquellos territorios, cuyos intereses y derechos no puede dejar de amparar y defender mi gobierno.

Si el gobierno de V. E. estudia estas cuestiones, como seguramente lo hará, con levantado y sereno criterio, inspirándose en la necesidad de dar libre curso al cumplimiento de los altos destinos de las diversas naciones de nuestro continente, revocará, sin duda, las medidas enunciadas. Desde que la victoria, ó sea la supremacía de la fuerza, no es ni debe ser la ley suprema de las naciones, la marcha conjunta de nuestros respectivos países debe reglarse sobre las bases de la justicia, de la equidad y del cumplimiento estricto de los pactos.

No extrañará V. E., por lo tanto, que, sin perjuicio de esperar la respuesta á mi nota de 14 de noviembre, insista desde ahora en pedir la revocación de los acuerdos á que ella se refiere y la suspensión de los nuevamente proyectados.

Solicito, asimismo, á nombre de mi gobierno, la sanción definitiva, por parte del honorable congreso chileno, del protocolo Billingham-Latorre. Mis reiterados pedidos en este orden no tuvieron la debida eficacia para conseguir que la cámara de diputados se ocupara del asunto, en el período ya fenecido de sus sesiones ordinarias. Me fué preciso, con tal motivo, insistir en ellos al inaugurarse las actuales sesiones extraordinarias; y no obstante haber transcurrido cerca de dos y medio meses de éstas, veo con sentimiento que el asunto no se trata, como si existiera el

propósito de mantenerlo todavía en estado de indefinido aplazamiento.

* * * * *

Me es grato renovar á V. E., con este motivo, las seguridades de mi más distinguida consideración.

CESAREO CHACALTANA.

Al Excmo. Señor don EMILIO BELLO CODECIDO,
Ministro de Relaciones Exteriores de Chile.

No. 131

Paragraphs of the Minister of Foreign Affairs of Chile's reply, of January 19, 1901. (Circular of 1901, p. 441.)

"Being to-day in possession of all the data and of the antecedents in reference to the measures objected to by Your Excellency, I have now the honor to give you the necessary explanations, and I venture to hope that they will convey to Your Excellency the conviction that the acts of my government respond to the lofty sentiments of rectitude and respect for the rights of others, and that they are inspired in the strict fulfillment of its duties, among which the first of all is the defense and safeguarding of its own rights."

* * * * *

"The recent resolution adopted by the Chamber of Deputies on again taking into consideration the Billinghurst-Latorre protocol has ended an uncertain situation that paralyzed and retarded the negotiations which both governments should undertake in order to solve the problem in reference to the territories of Tacna and Arica. The Chamber of Deputies has not approved the protocol of April 16, 1898, because it deems that it should be modified in some respects, and it has resolved to return it to the government for it to obtain the necessary modifications, undertaking for this purpose fresh negotiations with the Peruvian Foreign Office."

Nº 131

Acápites de la contestación del Ministro de Relaciones Exteriores de Chile, de 19 de enero de 1901. (Citada Circular de 1901, pág. 441.)

Nº. 68.]

REPÚBLICA DE CHILE,
MINISTERIO DE RELACIONES EXTERIORES,
Santiago, 19 de enero de 1901.

* * * * *

En posesión hoy de todos esos antecedentes, cúmpleme dar á V. E. las explicaciones necesarias. Me halaga la confianza de que ellas llevarán al ánimo de V. E. el convencimiento de que los actos de mi gobierno obedecen á levantados sentimientos de recti-

tud y de respeto al derecho ajeno y se inspiran en el cumplimiento estricto de sus deberes, entre los cuales el primero de todos es la defensa y el amparo del propio derecho.

* * * * *

El acuerdo reciente adoptado por la cámara de diputados al tomar nuevamente en consideración el protocolo Billingham-Latorre, ha puesto término á una situación incierta que entorpecía y retardaba las gestiones que ambos gobiernos deben llevar adelante para resolver el problema relacionado con los territorios de Tacna y Arica.

La cámara de diputados no ha prestado su aprobación al protocolo de 16 de abril de 1898 porque estima que debe ser modificado en alguna de sus disposiciones y ha acordado enviar los antecedentes al gobierno para que éste procure introducir las modificaciones necesarias, abriendo con este objeto nuevas negociaciones con la cancillería del Perú.

* * * * *

No. 132

Note from Minister Chacaltana, January 30, 1901, proving how unjustified is the attitude of Chile with regard to Tacna and Arica. (Circular of 1901, p. 459.)

No. 7.]

LEGATION OF PERU,
Santiago, January 30, 1901.

SIR: I have had the honor to receive Your Excellency's communication of the 19th instant in reply to mine of the 14th of November, both relating to the recently adopted measures in respect to the provinces of Tacna and Arica. As the explanations put forward by Your Excellency have failed to destroy the justice of the Peruvian claims, I find myself compelled to insist thereon.

In an endeavor to justify the closure of the private schools conducted by Peruvian teachers, Your Excellency appeals to Article I of the law of November 24, 1860, according to which primary education must be furnished under the supervision of the State; to Article 3 of the same law, which deals with the teaching of Chilean history and geography; and to the duty of the Government to prohibit all teaching contrary to the Constitution.

I quite agree that primary education must be furnished under the high supervision of the State. But the same law mentioned by Your Excellency specifies the exceptions to this general principle in certain cases, for the purpose of safeguarding private rights and interests. One of these is contained in Article 11, as follows: "Schools whose expenses are borne by private parties or paid for by the scholars are subject to the inspection established by the present law, as far as concerns the good morals and orderliness of the establishment; *but not as regards the teaching furnished nor the methods employed.*" This ruling is confirmed by Article 29 of the same law and Article 3 of the General Regulations governing Primary Education.

The above, I think, is sufficient to nullify Your Excellency's arguments in favor of the intromission of the authorities in educational matters carried on in private institutions.

* * * * *

Now as respects good morals and order, in what manner have these been infringed, in the schools conducted by Peruvian instructors? Your Excellency has not thought fit to make this accusa-

tion sufficiently clear, merely being content to quote two words of a hymn, which might easily have been deleted, instead of going to the extreme length of closing the establishments.

According to the law and the regulations quoted above, which are the compulsory guidance of the authorities in matters of primary education, a person can be forbidden to practise teaching only for the following reasons: when he cannot prove, by means of trustworthy witnesses, to be of good habits and morals; when he has been prosecuted or sentenced for some act which makes the committer liable to be penalized or disgraced; when he has been dismissed for some proven accusation involving his morals or habits; and when he suffers from some physical disability.

However, both the Governor (*Intendente*) of Tacna and that of Arica, when issuing their decrees of February, 1900, founded them exclusively on the fact that some teachers had not complied with the requisites of Article 16 of the law of 1860, which deals with the furnishing of proof of good morals and conduct, testified to by two trustworthy witnesses. None of the other restrictive reasons were given at the time nor have they been given since.

No mention was made in these decrees of the want of adequate Chilean historical and geographical instruction, nor of the prevalence of doctrines contrary to the Constitution of the State, nor of any violation of the penal laws. In both decrees, moreover, promises were made to grant permission anew when proof of compliance with the previously mentioned conditions was forthcoming.

The Peruvian teachers were easily able to prove, and within the stipulated period, their legal fitness to conduct private schools; whereupon, instead of granting them the promised permission, the closure of the schools was continued, under the excuse that the matter had been submitted to Santiago for decision.

As it was found to be impossible, according to the law and appropriate regulations, to decree the definite closure of the schools, an inquiry was instituted for the purpose of carefully going into the matter in the hope of being able to find other causes which might justify the measure. The findings of the inquiry—which Señor Errazuriz Urmeneta was good enough to read to me in his office—were the subject of conclusions directly accusing the Peruvian preceptors of various misdeeds which had not been previously mentioned by the authorities of Tacna and Arica.

The Prosecuting Attorney of the Supreme Court—that is to

say, the highest representative of the law—in spite of the latest charges, decided that the Executive branch of the administration was not empowered, according to law, in permanently closing the schools, neither did he hold the teachers guilty of any misdemeanor under the penal laws. Nevertheless, this official cooperated in the measure proposed and in effect maintained the theory that the Executive power in the exercise of its attributes derived from the principles of international law, was allowed to issue laws in the provinces for the repression of the abuses complained of, without being bound by the general laws governing education.

The government completely approved the verdict of the Prosecuting Attorney and instructed the Governor (*Intendente*) of Tacna in accordance therewith, to permanently close the Peruvian schools. This procedure was therefore carried out, not in the name of or in view of the laws governing primary education, but according to the principles of international law, although these latter are only applicable in cases of military occupation and under the requirements of martial law.

* * * * *

My government, compelled to protect the legitimate rights of Peruvians, while not countenancing any irregularities, cannot accept these measures which are direct breaches of the Treaty of Ancon and of the very laws of Chile itself on the subject.

Your Excellency will not admit that the Peruvian Government is entitled to intervene in the delimitation of new boundaries between Arica and Pisagua, for the ostensible pretext that the matter relates to the solution of purely internal affairs depending upon the fitness or unfitness of Chilean authorities and the rights of private persons.

In no case, however, not even in those affecting the settlement of a matter of the interior administration, can the international character of this question be overlooked. Chilean authority, even in regard to internal matters, cannot be exercised in the territories situated north of the Camarones River and Gap (*quebrada*) to the same extent as in those which are located to the south of that line. The former are subject to a mere temporary, but the latter to a permanent, occupation; in respect to the former, Chile could only exercise the rights of holder and usufructuary, while as regards the latter, she can exercise that authority inherent to complete domain; in the former she could not nor can she now, grant any perpetual concessions of public

lands or of the wealth indigenous to the soil, while this would be lawful as to the latter; in the former, political laws expressive of the exercise of a permanent and definite sovereignty, such as those relating to the voting for president of the Republic, senator, and representative, have no application; while in the latter they certainly have; in the former, finally, Chile acts in the capacity of a mere administrator furnished with limited powers, but in the latter as owner and sovereign thereof.

If, when delimitating the new boundary line, territories belonging to Arica should, as was attempted and actually carried out, be included with Pisagua, the legal status of the former would be substantially altered; Chilean authority and rights with regard to them would be unduly extended. If, in matters of internal government, Chile were allowed to exercise over both territories, identical authority, Your Excellency's argument might have some weight; but as these powers are of a very different nature, my government cannot remain indifferent to the new delimitation nor can its right to intervene therein be questioned.

Furthermore, the reports sent in by Chilean officials in respect to the location of the borate deposits of Chilcaya, when determining the boundaries between Arica and Pisagua, have taken, as a fundamental basis for their calculations, the provisions of the Treaty of Ancon. The Governor of Arica and that (*Intendente*) of Tacna have also done so, as have the engineers Renjifo and Pizarro, and the astronomer Obrecht. It would appear, therefore, that while the purpose seems to be to determine the significance and scope of that international covenant, Peru, as well as the signatories to it, can hardly be ignored.

I note that Your Excellency does not contradict my interpretation relative to the Chilean Government's decrees due to which the settlements of Huancarane, Pachica and Esquiña were detached from the province of Arica, and incorporated with the present Chilean district of Pisagua, to the detriment of the territorial integrity of Arica. I must assume that Your Excellency considers the claims of Peru on this point to be well founded, and I therefore confidently await the early repeal of the decrees in question. In any event, the possibility of falling into errors of this kind, so harmful to the interests of a neighboring nation, and the necessity of preventing them, show once more, how important it is that Peru and Chile should act in agreement when defining anew the boundary line between Arica and Pisagua.

Your Excellency likewise endeavors to justify the grants in

perpetuity of mining properties and public land, for colonization purposes, as well as the selling and leasing thereof for various terms of years. Your Excellency refers in this respect to Article Three of the Treaty of Ancon, according to which the territories of Tacna and Arica were to be subject to Chilean legislation. Therefore Your Excellency declares: "Our laws apply therein with no limitations of any kind, precisely in the same manner as in all the other provinces of the republic." This, however, is not quite accurate. The exercise of Chilean authority is, however, subordinated to two restricting conditions: to her position as the simple transitory holder thereof, and to her duty to confine her acts to those allowed by Chilean legislation itself. The laws of Chile apply in Tacna and Arica but not for the purpose of upholding her rights as an absolute and permanent sovereign thereof, but those relating to her temporary occupation. Just as obtains in private law, the mere leasor for a stipulated time has lesser rights than the owner although both of them are subject to the same laws; so too, in the present case, Chile's rights over Tacna and Arica, as mere holder thereof, are considerably more restricted than those she exercises over her own territories, notwithstanding the fact that both are governed by the same laws.

The signatory nations of the Treaty of Ancon, by subordinating the authority of the occupant to Chilean legislation, did so for the purpose of preventing the exercise of absolute and arbitrary powers; but they certainly did not intend to definitely establish a new sovereignty; they left the decision on this point to a subsequent plebiscite. In other words, Chile, as the mere tenant in possession, but not as the owner and sovereign, became subject likewise to Chilean laws. She could, for this reason, administer, make use of, and derive profit from these territories, until 1894; but she was never given the power of disposing thereof. In that understanding it is lawful for her to grant concessions relating to mines and public lands, but only up to the date in question. She could not then, nor can she now, grant perpetual and absolute control over them.

* * * * *

When referring to the decision to transfer the Headquarters of the First Military Zone from Iquique to Tacna, Your Excellency explains this step by comparing the more favorable climate and the greater facilities to be found in the latter city.

Notwithstanding Your Excellency's assertion, I am in a position to state that the climatic and economic factors submitted

are very [secondary considerations; the chief purpose of this measure, as well as that of the others decided upon almost simultaneously with the one complained of, was simply the putting into effect of the policy of *chilenization* in those regions. This was declared by the Minister of Foreign Relations of Chile in his Report to Congress in 1900, as follows: "Meanwhile, taking advantage of those same rights granted by the Treaty of Ancon, the Government has undertaken, with regard to Tacna and Arica, a series of measures which will place Chile in a favorable position with regard to the carrying out of the plebiscite."

This is, therefore, the principal and confessed purpose of the concentration of military forces; furthermore, we all know what to expect from the interference of armed forces in the matter of a popular vote.

"Besides," Your Excellency adds, "the time is not yet ripe for carrying out the plebiscite." This, however, is not the opinion of my government. That moment fell due, according to the Peace Treaty, in 1894. This explains the anxiety of Peru, ever since 1892 to the present date, to secure the covenanting of some agreement according to which the plebiscite could be held. And precisely because the plebiscite has been due ever since 1894, explains why my government now considers it imperative to bring back legal conditions to what they then were so as to be able to hold this plebiscite.

* * * * *

Peru is not discussing here the advantages or the disadvantages of the measures, in so far as the prosperity of the region is concerned. In seeking their abrogation, she has ample grounds, in addition to their glaring contradiction with the Peace Treaty, in the very apparent purpose which has inspired them.

* * * * *

Owing to the rejection of the protocol (Billinghurst-Latorre), matters have fallen back into the same condition in which they were in 1892. This would seem to confirm the impression that it is Chile's inflexible purpose to continue postponing the plebiscite until she can carry it out under conditions which will infallibly bring about the success of her expectations. My government, however, does not intend to contribute to the success of such a policy, which is injurious to her legitimate and clearest rights and which she has hastened to denounce in advance.

While the rejection of the Protocol has indeed, as Your Excellency states, put an end to an uncertain situation, originated

through systematic adjournments of every agreement relative to this covenant, it has, however, given birth to another, pregnant with alarm and distrust, which cannot but disturb the harmony and serenity of the relations of our respective countries. I regret I am unable to accept, as Your Excellency suggests, the complete blamelessness of the Chilean Government for our failure to arrive at a definite solution of the matter. The history of the negotiations carried on until today abundantly prove the contrary; while even at this moment, since the rejection of the Billinghurst-Latorre protocol, no one hears of any new composition devised by Your Excellency's government, designed to take the place of the successive proposals presented, but invariably rejected, during the course of nine years. Still, Your Excellency hopes that, in future, a spirit of peace and harmony will be maintained, so that the stipulations of the Treaty of Ancon may be loyally and honestly fulfilled. Peru has never departed from this line of conduct, notwithstanding the many disappointments garnered during the course of the negotiations. She is steadfastly determined to continue in this same course; but she also demands as a guarantee of justice and equity, the repeal of the measures taken in respect of Tacna and Arica, in order that the plebiscite may not assume the characteristic aspect of an imposition.

I can see no reason for describing as exaggerated the appreciations of my government, relative to the aforesaid measures, when these have been unfavorably criticised even within the Chilean parliament itself. In fact, the honorable Representative for Osorno, during the session of June 5th last, expressed himself as follows: "I must declare that, notwithstanding the fact that the transfer of the Court, the closure of the Peruvian schools in Tacna and Arica, and the quartering there of a great part of our army have been so greatly praised, I am not among those who approve of the adoption of such measures, and this because I know that it is impossible to nationalize a territory in a few days when it has been abandoned for nineteen or twenty years. To obtain the nationalization of those territories, we should have begun by making Chilean administration there congenial, by the appointment of really capable officials."

In view of the above considerations and of others submitted in my note dated the 14th of November, in regard to which Your Excellency has maintained silence, I again request, in behalf of my government, the repeal of the measures taken respecting Tacna and Arica.

I reiterate to Your Excellency the assurances of my most distinguished consideration.

CESAREO CHACALTANA.

To His Excellency Señor EMILIO BELLO CODECIDO,
Minister of Foreign Affairs of Chile.

Nº 132

Nota del Ministro Chacaltana de 30 de enero de 1901, demostrando lo injustificado de la actitud de Chile con respecto a Tacna y Arica. (Citada Circular de 1901, pág. 459.)

Núm. 7.]

LEGACIÓN DEL PERÚ EN CHILE,
Santiago, 30 de enero de 1901.

Señor MINISTRO: He tenido el honor de recibir la nota de V. E., de 19 del actual, en respuesta á la mía de 14 de noviembre, relativas ambas á las medidas recientemente adoptadas respecto de las provincias de Tacna y Arica. Como las consideraciones aducidas por V. E. no han logrado desvanecer la justicia de los reclamos del Perú, véome precisado á insistir en ellos.

Para justificar la clausura de las escuelas particulares regentadas por peruanos, se funda V. E. en el artículo 1º de la ley de 24 de noviembre de 1860, según el cual la instrucción primaria debe darse bajo la dirección del estado; en el artículo 3º de la misma, que prescribe la enseñanza de la historia y de la geografía de Chile; en el deber del gobierno de impedir toda enseñanza contraria á la constitución política.

La instrucción primaria debe darse ciertamente bajo la alta dirección del estado. Pero la misma ley citada por V. E., especifica las limitaciones de este principio general para casos dados, en resguardo de los derechos é intereses particulares. Una de ellas está consignada en el artículo 11, en esta forma: "las escuelas costeadas por particulares ó con emolumentos que paguen los alumnos quedan sometidas á la inspección establecida por la presente ley, en cuanto á la moralidad y orden del establecimiento; *pero no en cuanto á la enseñanza que en ellas se diere ni á los métodos que se emplearen.*" Confirman esta disposición el artículo 29 de la misma ley y el 3º del reglamento general de instrucción primaria.

Lo anotado basta para desvanecer los argumentos de V. E., respecto á la ingerencia de la autoridad en materia de enseñanza, en las escuelas particulares.

*

*

*

*

*

*

*

En cuanto á la moralidad y al orden ¿de qué manera se ha atentado contra ellos en las escuelas regentadas por preceptores peruanos? V. E. no se sirve expresarlo en forma suficientemente concreta. Se limita á citar en apoyo de su aserto dos palabras de un himno, cuya intercalación en éste, pudo prohibirse sin necesidad de apelar al medio extremo de la clausura.

Según la ley y reglamento citados, norma obligatoria de las autoridades en materia de instrucción primaria, sólo puede privarse á una persona del derecho de ejercer el preceptorado en los casos siguientes: cuando no acredite, con el testimonio de dos sujetos fidedignos, tener buena vida y costumbres; cuando se halle procesado ó condenado por delito cuyo autor merezca pena afflictiva ó infamante; cuando ha sido destituido por causa averiguada comprometedora de su moralidad y costumbres; cuando adolezca de algún defecto físico.

Ahora bien, el intendente de Tacna y el gobernador de Arica, al expedir sus decretos en febrero de 1900, se fundaron exclusivamente en que algunos preceptores no habían cumplido con los requisitos exigidos por el artículo 16 de la ley de 1860, los cuales se reducen á acreditar buena vida y costumbres, con el testimonio de dos sujetos fidedignos. No se adujo entonces, ni se ha hecho mérito después, de ninguna de las otras causales indicadas.

No se habló en aquellos decretos de la falta de enseñanza de geografía é historia de Chile, ni de doctrinas contrarias á la constitución del estado, ni de infracciones de la ley penal. En ambos decretos, se ofreció, además, renovar los permisos á los que comprobasen tener las condiciones mencionadas.

Los preceptores peruanos comprobaron fácilmente, dentro del plazo señalado, su aptitud legal para regentar escuelas particulares y, entonces, en vez de concedérseles los permisos ofrecidos, se prolongó la clausura de sus establecimientos, con el pretexto de haberse elevado, en consulta, á Santiago, los recursos respectivos.

Como á la luz de la ley y del reglamento del caso, no fué posible decretar la clausura definitiva, se organizó un expediente para escudriñar cuidadosamente y poder descubrir otros motivos susceptibles de justificar semejante medida. En ese expediente, cuyas piezas principales tuvo la bondad de leerme en su despacho el señor Errázuriz Urmeneta, recayeron informes en los cuales se hizo á los preceptores peruanos diversas inculpaciones no formuladas antes por las autoridades de Arica y Tacna.

El fiscal de la corte suprema, ó sea el más alto representante del ministerio público, a pesar de esas recientes inculpaciones, no

consideró facultado al ejecutivo, con arreglo á las leyes vigentes, para ordenar la clausura definitiva, ni tampoco acusó á los preceptores de infracciones á la ley penal. Dicho funcionario cooperó, sin embargo, á la realización de la medida proyectada, y sustentó, al efecto, la doctrina de que el poder ejecutivo, en ejercicio de facultades propias derivadas de los principios del derecho internacional, podía dictar, en dichas provincias, medidas tendientes á reprimir los abusos denunciados, sin sujetarse á las leyes generales de instrucción. El gobierno aprobó, por completo, las opiniones del señor fiscal y ordenó al intendente de Tacna que, con arreglo á ellas, mantuviera definitivamente clausuradas las escuelas peruanas. La medida se sancionó, pues, no en nombre ni en cumplimiento de las leyes vigentes en materia de instrucción primaria, sino en obsequio á principios de derecho internacional, no obstante ser aplicables tan sólo en los casos de ocupación bélica y bajo el imperio de la ley marcial.

* * * * *

Mi gobierno, obligado á amparar los legítimos derechos de los peruanos, sin autorizar, por eso, cualquier abuso, no acepta estos procedimientos infractorios del tratado de Ancón y de las propias leyes de Chile.

No admite V. E. que el gobierno del Perú deba figurar como parte en la nueva fijación de límites entre Arica y Pisagua, por tratarse de resolver dificultades de orden puramente interno, relacionadas con la competencia ó incompetencia de las autoridades chilenas y con los derechos de los particulares.

En ningún caso, sin embargo, ni aun para resolver asunto de régimen interior, es dado prescindir del carácter internacional de esta cuestión. La autoridad de Chile, aun para asuntos internos, no puede ejercerse en los territorios situados al norte del río y quebrada de Camarones con la misma extensión que en los ubicados al sur de dicha línea. Los primeros están sujetos á una simple ocupación temporal y los segundos á un dominio definitivo; sobre los primeros, sólo ha podido ejercer Chile los derechos de poseedor y usufructuario, en tanto que sobre los segundos puede ejercer las facultades inherentes al completo señorío; en los primeros, no ha podido ni puede hacer concesiones perpetuas de tierras públicas ó de riquezas vinculadas al suelo, y en los segundos sí; en los primeros no tienen aplicación las leyes políticas, por medio de las cuales se expresa el ejercicio de una soberanía permanente y definitiva, como las relativas á elecciones de presidente de la república, senadores y diputados, y en los segundos sí; en los

primeros, en fin, actúa Chile como simple administrador con facultades limitadas, y en los segundos como dueño y soberano.

Si al marcar la nueva línea divisoria se agregasen á Pisagua, como se pretende y se ha hecho ya, territorios pertenecientes á Arica, se alteraría sustancialmente la situación legal de éstos; se ensancharía indebidamente respecto de ellos, la autoridad y los derechos de Chile. Si en materia de régimen interno Chile estuviera habilitado para ejercer sobre ambos territorios, idénticas facultades, tendría alguna fuerza el argumento de V. E.; pero como esas facultades tienen amplitudes muy diversas, á mi gobierno no le es indiferente la nueva demarcación, ni se le puede desconocer el derecho de intervenir en ella.

Además, los informes expedidos por funcionarios chilenos respecto á la ubicación de las borateras de Chilcaya, al determinar los linderos entre Arica y Pisagua, han tomado como base esencial de sus disertaciones lo establecido en el tratado de Ancón. Así han procedido el gobernador de Arica y el intendente de Tacna; los ingenieros Renjifo y Pizarro y el astrónomo Obrecht. Se trata, según esto, de fijar el sentido y alcance de aquel pacto internacional, y no debe, por lo tanto, prescindirse, del Perú, uno de los firmantes del convenio.

Por lo demás, no contradice V. E. mi manera de apreciar los decretos del gobierno de Chile por los cuales, con menoscabo de la integridad territorial de Arica, se agregaron de esta provincia y se incorporaron al hoy distrito chileno de Pisagua los caseríos de Huancarane, Pachica y Esquiña. Debo suponer que V. E. considera fundados en este punto los reclamos del Perú y debo esperar la próxima derogatoria de dichos decretos. En todo caso, la posibilidad de incurrir en errores de esta especie, dañosos á los derechos de una nación vecina, y la necesidad de prevenirlos manifiestan, una vez más, cuán indispensable es que el Perú y Chile procedan de acuerdo al fijar nuevamente la línea divisoria entre Arica y Pisagua.

También procura justificar V. E. las concesiones perpetuas de pertenencias mineras y de tierras públicas, destinadas á la colonización, así como las ventas y arrendamientos por cualquier plazo. Hace mérito V. E., con este objeto, del artículo 3º del tratado de Ancón, según el cual los territorios de Tacna y Arica quedaron sometidos á la legislación chilena. En consecuencia, dice V. E. "imperan allí nuestras leyes sin limitación alguna y en la misma forma que en las demás provincias de la república." Esto no es enteramente exacto. La autoridad de Chile está subordinada,

en su ejercicio, á dos condiciones que la restringen: á su carácter de simple poseedor precario y al deber de sujetar sus actos á la legislación chilena. Las leyes de Chile imperan en Arica y Tacna, no para amparar los derechos de una soberanía absoluta y permanente, sino los de una ocupación temporal. Así como en el orden privado, el simple poseedor por un tiempo limitado, tiene facultades mucho más reducidas que el propietario, no obstante estar sujetos ambos al imperio de la misma legislación; así también, en el caso actual, Chile tiene sobre Tacna y Arica, como mero poseedor, derechos mucho más restringidos que sobre sus propios territorios, no obstante estar regidos ambos por igual legislación.

Las naciones signatarias del tratado de Ancón, al someter la autoridad del ocupante á la legislación chilena, se propusieron impedir el ejercicio de un poder absoluto y arbitrario; pero no abrigaron el intento de constituir definitivamente una soberanía nueva; defirieron la resolución de este punto á un plebiscito ulterior. En una palabra, Chile, como simple poseedor y no como dueño y soberano, quedó sujeto á la legislación chilena. Por eso, ha podido administrar, así como usar y gozar de las cosas hasta 1894; pero nunca ha podido disponer de ellas. Por eso, pudo conceder minas y tierras públicas con efectos hasta sólo la fecha indicada; mas no ha podido ni puede conceder el dominio perpétuo y absoluto de ellas.

* * * * *

Al referirse V. E. á la traslación á Tacna de la 1.^a zona milltar establecida antes en Iquique, explica la medida apelando á las condiciones del clima y á la mayor facilidad de recursos en aquella ciudad.

No obstante lo expresado por V. E., tengo el derecho de afirmar que las razones de clima y economía fueron de carácter secundario; el fin principal de esta medida, así como el de otras adoptadas casi simultáneamente con ella, fué el de llevar á cabo la llamada *chilenización* de esas regiones. Así lo expresó el señor ministro de relaciones exteriores en su memoria al congreso de 1900, en la forma siguiente: “entretanto, usando el gobierno de los derechos que el mismo tratado de Ancón le concede, ha procedido á tomar respecto de Tacna y Arica *una serie de medidas* que coloquen á Chile en situación favorable para la realización del plebiscito.”

La concentración de fuerzas militares ha tenido, pues, este principal y confesado objeto; y ya se sabe lo que se puede esperar de la intervención de la fuerza armada en materia de votaciones.

“Por lo demás” agrega V. E. “no ha llegado aún el momento de proceder á la votación plebiscitaria.” No es esta la opinión de mi gobierno. El momento aquel llegó, con arreglo al tratado de paz, desde 1894. Por eso, se ha afanado el Perú, desde 1892 hasta el presente, para obtener la celebración de un convenio conforme al cual pudiera realizarse el plebiscito. Y precisamente por haber llegado desde 1894 la época de llevarlo á cabo, mi gobierno considera hoy indispensable para su celebración el restablecimiento de la legalidad existente en aquella época.

* * * * *

El Perú no discute las ventajas ó desventajas de las medidas en orden á la prosperidad de aquellas regiones. Le basta para pedir su revocatoria, además de su manifiesta incompatibilidad con el tratado de paz, el propósito que las ha inspirado.

* * * * *

Con el rechazo del mencionado protocolo, han vuelto las cosas al estado en que se encontraban en 1892. Esto parece confirmar el invariable propósito de Chile, de aplazar el plebiscito hasta poder realizarlo en condiciones que produzcan infaliblemente el triunfo de sus aspiraciones. Mi gobierno no cooperará á la realización de esta política, dañosa á sus más legítimos derechos y contra la cual se ha anticipado á pronunciarse.

La desaprobación del protocolo, si bien ha puesto término, como dice V. E., á una situación incierta, nacida del estado de aplazamiento de todo acuerdo sobre dicho pacto, ha creado otra impregnada de alarmas y desconfianzas, perturbadoras de la buena armonía, de la tranquilidad entre nuestros respectivos países. Siento no poder aceptar, como lo insinúa V. E., la absoluta irresponsabilidad del gobierno de Chile, por no haberse llegado á una solución definitiva. La historia de las negociaciones seguidas hasta la fecha comprueba lo contrario; y hoy mismo, después de la desaprobación del protocolo Billinghurst-Latorre, se ignora cuál es la combinación ideada por el gobierno de V. E. para reemplazar las propuestas sucesivamente desechadas en el transcurso de nueve años. Espera V. E. que, en lo sucesivo, se mantendrá el espíritu de paz y de armonía, para dar cumplimiento leal y honrado á las estipulaciones del tratado de Ancón. El Perú jamás se ha apartado de esta línea de conducta, no obstante las decepciones cosechadas en el transcurso de las negociaciones. Está dispuesto á seguir invariablemente en ella; pero exige, como prenda de justicia y de equidad, la derogatoria de las medidas

tomadas respecto de Tacna y Arica, á fin de no revestir el plebiscito con los caracteres de una imposición.

No hay motivo para estimar exageradas las apreciaciones de mi gobierno sobre las enunciadas medidas, las cuales han sido objeto de juicios desfavorables en el seno mismo del parlamento chileno. En efecto, el honorable diputado por Osorno, en la sesión del 5 de junio último, se expresó de esta manera: "debo declarar que, a pesar de haber sido tan aplaudida la traslación de la corte, la clausura de las escuelas peruanas de Tacna y Arica y el envío de numerosa parte de nuestro ejército, no me encuentro yo entre los que celebran la adopción de tales medidas, y esto porque sé, que en un cuarto de hora no es posible nacionalizar un territorio que fué abandonado durante 19 ó 20 años. Para llegar á la nacionalización de esos territorios, ha debido comenzarse por hacer simpática la administración chilena con un personal brillante."

En vista de las consideraciones expuestas y de otras consignadas en mi nota de 14 de noviembre, sobre las cuales nada ha dicho V. E., solicito nuevamente, á nombre de mi gobierno, la derogatoria de las medidas tomadas respecto de Tacna y Arica.

Renuevo á V. E. los sentimientos de mi más distinguida consideración.

CESÁREO CHACALTANA.

Al Excmo. señor don EMILIO BELLO CODECIDO,
Ministro de Relaciones Exteriores de Chile.

No. 133

Communication from the Archbishop of Lima, Monsignor Tovar, dated August 5, 1901, to the Bishop of Arequipa, the Diocesan of the parishes of Tacna and Arica, dealing with the action of Chile in her endeavor to detach these parishes from the jurisdiction of Arequipa. (Report of the Ministry of Foreign Affairs of Peru, 1901, p. 270.)

LIMA, August 5, 1901.

Illustrious and Right Reverend Monsignor MANUEL SEGUNDO BALLON,

Bishop of Arequipa.

* * * * *

It is no mystery to any one that the Chilean Government included, among the means to gain favor and supporters in our beloved provinces, that of adding in the furtherance of its interests, the influence of religion. But notwithstanding the suggestions of the Chilean press, and of an official report on the *Chilenization* of those territories, it was not considered proper to deal with this matter before our government should have dropped the veil of reserve which concealed this delicate matter.

I thank His Excellency, the Minister for Foreign Affairs, for having placed me in the position of being able to say a few words in respect to this matter.

I therefore address them to you, Illustrious and Right Reverend Father, in the form of the present communication, because of the fact that both your diocese and sacred authority have been the target and the objective of Chilean intrigues.

The ecclesiastical jurisdiction of the Peruvian provinces of Tacna and Arica, belongs exclusively to Your Illustrious and Right Reverend Lordship, because of your canonical appointment as Bishop of Arequipa, to whose diocese they have belonged since their creation.

As this territory is not detached from the Republic, since its occupation by Chilean authorities, even supposing this were lawful, would still be temporary and conditional, dependent upon the execution of a treaty, the endeavor to remove it from the diocese of Arequipa and from the regular jurisdiction of its Bishop, is extremely inconsidered and rash.

Even in the suppositious case that the provinces of Tacna and Arica be lost to Peru, as a consequence of the faithful execution of the Treaty of Ancon, a decree of the Holy See would be required to detach them from the diocese above referred to and to subject them to some other ecclesiastical authority; for everybody is aware that the vicissitudes which alter the frontiers of states, do not affect ecclesiastical boundaries, which are subject to the authority of the Pope alone.

We must thank His Holiness for his refusal to grant the reiterated appeals of the Chilean Government, not only because of the above reason but also because his high wisdom has taken into account the many other circumstances submitted, at the proper time, by our Chancery.

The history of the Apostolic Vicarages of Tarapacá and Antofagasta, do not constitute arguments in favor of Chile.

In the first instance, the question refers to a territory definitely ceded to Chile, surrounded by all the formalities of an international treaty.

In the second case, the irrevocable determination of the conqueror is apparent, to include among the conditions of the peace treaty the annexation of Antofagasta; and it is abundantly proved, from official documents, that Bolivia did not, nor does she now, oppose this condition.

The situation of Peru is entirely different.

We have concluded peace with Chile, maintaining our national sovereignty over the provinces of Tacna and Arica, while stipulating a temporary occupation for ten years, upon the expiration of which, a plebiscite would decide to which of the two nations they were definitely to belong.

The fact that occupation has been continued does not improve the situation for Chile; and the circumstance that the plebiscite has not been held does not weaken in the least the real and permanent sovereignty of Peru; neither does it affect the international situation originated by the peace treaty or the well-founded and probable expectation of not losing those beloved provinces, which long for and expect some day, to breathe the air of freedom of the Fatherland. * * *

* * * * *

Meanwhile the parish priests and all other ecclesiastics in Tacna and Arica, are to remain under the wise and prudent guidance of Your Illustrious and Right Reverend Lordship, preaching the Word of God, administering the Holy Sacraments,

and disseminating among the faithful, the sacred and lofty duty of fidelity to the Fatherland.

I have thought it advisable and timely to leave on record, in this communication, the above remarks, whose principal purpose is to praise the high-minded attitude taken by Your Illustrious and Right Reverend Lordship in rejecting the illegal demands of the Chilean Government.

May God protect Your Illustrious and Right Reverend Lordship.

* MANUEL, *Archbishop of Lima.*

Nº 133

Nota del Arzobispo de Lima, Mons. Tovar, de 5 de agosto de 1901, al Obispo de Arequipa como diocesano de las parroquias de Tacna y Arica sobre la acción de Chile para segregar esas parroquias de la jurisdicción de Arequipa. (Memoria de Relaciones Exteriores del Perú de 1901, pág. 270.)

LIMA, 5 de agosto de 1901.

Ilustrísimo y reverendísimo monseñor MANUEL SEGUNDO BALLÓN,
Obispo de Arequipa.

* * * * *

No era un misterio para nadie que el gobierno chileno comprendía, entre los medios de atraerse simpatías y adhesiones en nuestras queridas provincias, el de poner, al servicio de sus intereses, la influencia de la religión. Pero, no era discreto, á pesar de las insinuaciones de la prensa de Chile y de un informe oficial sobre la chilenización de aquellos territorios, tratar, acerca de esta materia, antes de que nuestro gobierno recorriera el velo de reserva, que encubría tan delicado asunto.

Yo agradezco al señor ministro de relaciones exteriores que me haya colocado en condiciones de decir dos palabras, sobre el particular.

Y las dirijo á VS. I. Rma., en la forma del presente oficio, por haber sido su diócesis y su sagrada autoridad el teatro y el objetivo de los manejos de Chile.

La jurisdicción eclesiástica de las provincias peruanas de Tacna y Arica corresponde exclusivamente á VS. I. y Rma., por su institución canónica de obispo de Arequipa, en cuya diócesis están consideradas desde su erección.

No estando segregado aquel territorio del de la República, pues su ocupación por las autoridades de Chile, dado que fuera aún legítima, sería siempre precaria y condicional, como dependiente

de la ejecución de un tratado, es temeraria la pretensión de sustraerlo de la diócesis de Arequipa y de la jurisdicción ordinaria de su obispo.

Aun después de perdidas para el Perú las provincias de Tacna y Arica, como consecuencia de la fiel ejecución del tratado de Ancón, se necesitaría absolutamente una resolución de la Santa Sede, para separarlas de la indicada diócesis y someterlas á otra autoridad eclesiástica; pues nadie ignora que las visicitudes, que alteran los límites de los estados, no modifican la demarcación eclesiástica, sujeta á la potestad del Papa.

Tenemos que agradecer á Su Santidad que no haya accedido á las reiteradas instancias del gobierno de Chile, no sólo, por la razón expuesta, sino además, porque su alta prudencia ha tomado en cuenta muchas otras consideraciones, oportunamente alegadas por nuestra cancillería.

No son argumentos, en favor de Chile, los antecedentes de las vicarías apostólicas de Tarapacá y Antofagasta.

En el primer caso, se trata de un territorio, cedido definitivamente á Chile, con las formalidades de un pacto internacional.

En el segundo caso, es manifiesta la irrevocable voluntad del vencedor, de incluir, entre las condiciones del tratado de paz, la anexión de Antofagasta; y consta plenamente, por documentos oficiales, que Bolivia no ha resistido, ni resiste, á esta condición.

Muy diversa es la situación del Perú.

Nosotros hemos celebrado la paz con Chile, manteniendo la soberanía nacional en las provincias de Tacna y Arica, aunque estipulando una ocupación temporal de diez años, vencidos los cuales, se decidiría, por un plebiscito, á cuál de las dos naciones habían de pertenecer.

El hecho de haberse prolongado la ocupación no mejora la condición de Chile; y la circunstancia de no haberse llevado á cabo el plebiscito no debilita, en lo menor, la soberanía real y actual del Perú; ni cambia la situación internacional, creada por el tratado de paz, y la sólida y probable expectativa de no perder aquellas amadas provincias, que quieren y esperan respirar libremente el aire de la patria.

* * * * *

Entretanto, deben continuar los párrocos y demás sacerdotes de Tacna y Arica, bajo la sabia y prudente dirección de VS. I. y Rma., predicando la palabra divina, administrando los santos sacramentos é inculcando á los fieles el sagrado y austero deber de la fidelidad á la patria.

He creído conveniente y oportuno dejar constancia de las precedentes observaciones, en este oficio, cuyo principal objeto ha sido aplaudir la noble conducta de VS. I. y Rma., al rechazar la injustificada demanda del gobierno de Chile.

Dios guarde á VS. I. y Rma.

✠ MANUEL, *arzobispo de Lima.*

No. 134

Sessions of the Advisory Committee on Tacna and Arica. (Secret Documents published in *El Comercio* of Lima, March 6, 1910.)

DECREE CONSTITUTING THE NATIONALIZATION COMMITTEE.

Whereas:

1st. Chilean interests of an international order, which the Chilean Government is obliged to safeguard in the territories of Tacna and Arica, are at present under the jurisdiction of the various Departments of State;

2nd. This circumstance prevents all unity of action and weakens the authority which the said interests require for their advancement and application;

3rd. That the appointment of a commission of patriotic and enlightened citizens is desirable for the supervision and assistance which the local authorities and Central Government require in the premises;

Therefore it is decreed:

1st. A commission, to be called "The Nationalization Committee for Tacna and Arica" shall be constituted in Santiago, so as to undertake the study of, and promulgate resolutions affecting every administrative measure necessary to the development of Chilean interests in those territories and to ensure Chilean success in the plebiscite which is to determine their final status.

2nd. The Commission shall consist of six members, who will serve in an honorary capacity, and of a Secretary, who will likewise be attached to the Ministry of Foreign Relations.

3rd. The Commission will be directly answerable to the Ministry of Foreign Relations, through which it will communicate with the other Departments of State and with the Intendency of Tacna.

4th. Weekly meetings shall be held, two members being sufficient to form a quorum.

5th. The Commission shall take charge of such press propaganda as may be considered necessary.

6th. The members appointed to serve with the Commission are: Messieurs Luis Antonio Vergara, Joaquin Walker Martinez, Vicente Santa Cruz, José Ramon Gutierrez, Eduardo Suarez Mujica and Enrique MacIver.

Let the above be registered but publication withheld.

REPUBLIC OF CHILE
MINISTRY OF FOREIGN RELATIONS

*Session of the Advisory Committee on Tacna and Arica,
October 22, 1908*

The session was opened at 6:45, all members being present with the exception of Mariano Guerrero Bascuñán, who was indisposed; the Minister of Foreign Relations, the Governor (Intendente) of Tacna, Señor Maximo Lira and the Legal Adviser of the Ministry, who acted as Secretary.

The proceedings having been initiated, the Minister reported that the meeting had been specially summoned to hear the opinion of Señor Lira, Governor of Tacna, who was forthwith called upon.

Señor Lira began by recognizing the importance of the Commission appointed to carry out the work relative to the incorporation of the province with the territory of the Republic.

He illustrated the objections there were to having the administration of the province dependent upon all the Departments of State, to the detriment of an efficacious application of Chilean policies; he desired that a record should be taken of his satisfaction over the promulgation of the decree in question.

Dispatch of the 25th of March.—He praised this Note and declared that it accurately expressed his ideas and intentions, but as he had had a share in the drafting of that document, he did not wish to refer to it further.

Peruvian Priests of Tacna.—With regard to these men, he only wished to repeat what he had already reported relative to the loose morals of the Peruvian clergy, who are the only disseminators of propaganda in the territory upon which Peru can rely. He stated that he had conferred with the President, who declared he would go to the extreme of breaking off relations with the Vatican, in case the Pontifical Government did not recognize Chilean rights, allowing Chilean priests to be appointed to these parishes.

He likewise related the recently occurred incident between the Governor of Arica and the local priest.

Chilenization.—He said that the enterprise was progressing favorably, especially as regards the latest measure which had been adopted. "We have trebled the number of Chilean voters which previously stood at 425, and we have compelled a considerable number of Peruvian laborers, employed on the Arica-La Paz railroad, to leave the country, which has implied the loss to Peru of some votes. The continuation of this work will require

an increased number of officials, and this will eventually secure for us the required number of votes and enable us to face the verdict of the plebiscite with security. So long as we preside over the proceedings," stated Señor Lira, "I guarantee a successful issue."

Continuing, he said that the acquiring of real estate had received a set-back, due to a publication which had been circulated among certain persons, but that he was merely biding his time so as to undertake renewed efforts. For this purpose he possessed a fund of more than 300,000 pesos, granted by the Law of September, 1906.

The studies relative to colonization were being energetically prosecuted, and he considered that within a short time it would be possible to settle 400 Chilean families there.

He proved the urgent necessity for securing appropriations to be used in transferring the veterans of '79 to Tacna. The Minister replied that this matter was under consideration by General Körner, who was preparing a list of officers on the retired list so as to send proposals to each of them.

Señor Luis Antonio Vergara asked to be informed of the exact number of voters in Tacna and Arica.

Señor Lira replied that, leaving out of consideration the last batch of 1,040 Chilean laborers sent there, the numbers were as follows:

Peruvians.....	2,326
Aliens.....	538
Chileans.....	425

Señor Lira concluded, requesting that additional salaried sub-delegations be created; that bonuses be granted to schoolmasters, and that a Department of Tarata be also created, to which important district an active official might be appointed, who would be in the position to conduct a fruitful campaign in favor of Chilean interests.

It was agreed to call another meeting shortly, to be summoned by the Minister.

*Session of the Advisory Committee on Tacna and Arica,
October 24, 1908*

Members present were Messieurs Hevia Riquelme, Santa Cruz, Guerrero, Vergara, Cox-Mendez and the Legal Adviser.

The Under-Secretary (of Foreign Relations) communicated the appointment of Señor Federico Puga Borne as a member of the

Commission. He said that this appointment had been made upon the suggestion of the President and because Señor Puga Borne had created the Commission.

Señor Vergara expressed the regrets of the Minister, who had been urgently called to his farm.

At this moment the Governor of Tacna, Señor Lira, entered the chamber.

Owing to the absence of the Minister, it was agreed to meet next Thursday.

Session of Thursday, October 29, 1908

The Minister of Foreign Relations, Señor Balmaceda in the Chair.

Members present: Messieurs Cox-Mendez, Puga Borne, Hevia Riquelme, Vergara, Santa Cruz, Guerrero, Walker Martinez, the Governor of Tacna, Señor Lira, the Under-Secretary and the Legal Adviser.

The Minutes of the previous session being read, Señor Puga Borne expressed his appreciation of the distinction accorded to him through the appointment. He took advantage of his recognition by the Chair to express his regret at the absence of the Secretary of the Commission.

The Under-Secretary stated that he had secured leave of absence, which would shortly expire.

Señor Puga expressed the opinion that it would be advisable to inform him of the wishes of the Commission to the effect that, unless prevented through some important matter, although on leave, he would make arrangements to attend the session.

The Under-Secretary was entrusted with the task of bringing the above to his attention.

The Legal Adviser reported that the Minister, acting on instructions from the President, had desired him to ascertain from the Department of Accounts, the exact returns of the expenditures, effected under the authority of the secret law which placed the sum of 500,000 pesos at the disposal of the Intendency of Tacna for propagandist work in favor of the nationalization of that territory, but that the only information which had been furnished him, was to the effect that the total amount had been handed to Señor Lira, upon instructions from the Minister of Foreign Relations.

Señor Puga Borne replied that he had indeed issued a Decree of that nature, because, two days previous to the date specified in

the law, when the funds would have been returnable for inclusion in the General Revenue Account, it was discovered that only about 100,000 pesos had been spent, so he considered it a public duty to issue a Decree authorizing the Governor of Tacna to draw out the total balance, to be applied to the purchase of real estate.

Señor Lira stated that he could not give the exact figures of the balance on hand, but that it was in excess of 300,000 pesos, a sum which he kept in reserve to acquire real estate and to settle Chilean families, for which he was employing the services of intermediaries, so that Peruvian suspicions might not be aroused, as has been the case up to the present. He added that, owing to the colonization scheme which he would later submit for the approval of the Ministry, it would be possible to settle numerous Chilean families there.

Resolved: That the Governor of Tacna proceed with his plan for acquiring real estate and the settlement of Chilean families, which latter would be furnished by the Commission.

That, meanwhile, the supervision of the conduct of Peruvian priests should devolve upon the Governor of Tacna.

That application be made to the Ministry of the Interior for the creation of a Department of Tarata, and also with regard to that of various sub-delegations.

The approval of these measures called for but few remarks.

Señor Puga Borne then stated that he had spoken with the contractor of the Arica-La Paz railroad, Señor Manuel Ossa, by whom he was informed that in March he would considerably advance the work of construction on the railroad; that he proposed obtaining Italian labor, a measure to which the Government could not agree. He added that at least 4,000 laborers would be required.

Messieurs Walker, Guerrero, Vergara, Balmaceda and the Governor of Tacna considered the matter to be very serious.

It was decided to petition the government to the effect that Chilean labor should alone be employed on the work of this railroad.

Owing to the lateness of the hour, the session was adjourned.

*Session of the Advisory Committee on Tacna and Arica
of the 20th of November, 1908*

The members present included the Minister of Foreign Relations, Señor Balmaceda; Messieurs Adolfo Guerrero, Federico

Puga Borne, Anselmo Hevia Riquelme, Mariano Guerrero Bascuñán, the Legal Adviser and the Under-Secretary, Señor Prieto.

The Minutes of the last session were read and approved.

Informative.—Two letters were read, one from Señor Joaquín Walker Martínez and the other from Señor Luis Antonio Vergara. Both requested to be excused owing to sessions in the Chamber.

Señor Puga Borne expressed Señor Vicente Santa Cruz' regrets.

Señor Maximo R. Lira, Governor of Tacna, thereupon arrived and requested permission to make a statement. He said that he had completed his scheme for the colonization of Tacna and Arica and proceeded to read the same.

He proposed that the government, by means of third parties, should acquire or expropriate land in the province, which would then be apportioned for colonizing purposes, this being the most efficacious means of nationalizing the territory and of implanting therein the required voting power, necessary to assure the success of an impartial plebiscite, which he advises should be held.

All married Chileans, fathers of families, who undertake to settle in Tacna, shall be considered colonists, as well as such Chileans which the government may decide to count as such.

Among these latter, preference shall be given to the veterans of '79.

Each settler shall receive a portion of land, be provided with cattle and agricultural implements and seeds, and every assistance shall be furnished him towards building his home.

The enterprise shall, in all things, be under the supervision of the Committee which operates in Tacna, composed of the Governor, the President of the Court and Sr. Adolfo Holley.

After reading the particulars of his plan, Señor Lira observed that funds would be required to carry out its provisions.

At the suggestion of Señor Puga it was decided to apply for them to Congress, for which purpose Señor Lira would furnish the Department of Foreign Relations with all the necessary particulars. This was accordingly agreed to.

Señor Lira thereupon again addressed the meeting and said that he begged to be forgiven for not considering his colonization scheme as officially presented, because he wished to take counsel about it with his Colleagues of the Chilenization Commission of Tacna, one of whose members, Señor Blanlot, had a plan in preparation.

Señor Guerrero considered that there were good reasons for the proviso expressed by Señor Lira, who promised to send in his

plan as soon as it should have been approved and signed in Tacna.

Court in Tarata.—Subsequent to a discussion in which all those present took part, it was decided to petition for the creation of a Primary Court of Claims in Tarata.

Public Utilities.—Señor Balmaceda stated that, with the consent of the President, he would submit a plan for the reorganization of all the services of Tacna and Arica, upon the basis of an increased remuneration for the officials.

The Commission expressed its approval of this measure.

The Minister agreed to present the plans for the approval of Congress.

Religious Observances.—Señor Guerrero suggested the propriety of petitioning the Ministry to grant Governor Lira full powers to deal with this point, in view of the complete disregard shown by the Vatican to the complaints of Chile.

The Minister replied that he had had a lengthy conference with the President on this subject and they had agreed to invest Governor Lira with full authority.

Señor Lira declared that no fears need be entertained that abuses would be committed; he stated that he would be energetic in principle but prudent in his methods.

Smugglers.—Señor Lira made a lengthy statement on the subject. He said that, in addition to the priests, the smugglers were those who kept alive the spirit of the Peruvian electors.

He furnished statistics to prove the importance the smugglers had for Peru.

It was agreed to petition the Ministry of the Treasury to issue stringent instructions to the Collector of Customs for the vigilant patrolling of the frontiers with Peru and for the prosecution of all smugglers.

Señor Lira declared he would gladly cooperate.

Owing to the lateness of the hour, the meeting adjourned.

It was agreed to hold another session tomorrow, Saturday the 21st.

(Sgd.) BALMACEDA.

(Sgd.) ALEJANDRO ALVAREZ.

Session held on Saturday, the 21st of November, 1908

Those present were Messieurs Vicente Santa Cruz, Joaquin Walker Martinez, Mariano Guerrero Bascuñán, Ricardo Cox-Mendez, the Under-Secretary of Foreign Relations, Governor Lira, and the Legal Adviser.

Minutes.—Those of the preceding day were duly read.

Señor Walker Martinez stated that as the discussion dealt with matters of extreme importance, with regard to which none of those present had taken part, he considered that it was not in order to approve the Minutes.

“As far as I am concerned,” said he, “I hold the decisions to be both patriotic and well-intentioned and I shall not hesitate to give them my complete approval.”

It was agreed that the Minutes should be approved at a subsequent session.

Señor Guerrero Bascuñán said that as he was well acquainted with conditions in Tacna and Arica, and appreciating the present favorable circumstances for increasing Chilean voting power in those territories, he had no objections to offer against the decisions.

Hereupon the Minister of Foreign Relations arrived and was immediately informed about the incident respecting the Minutes. He stated that the meeting had been called merely for the purpose of acquainting those members who had been absent from the previous day's session of the decisions which had been adopted; since it would be necessary to secure legislative sanction for these measures, it was important to surround them with all possible authority.

Señor Guerrero Bascuñán said that he applauded and approved all that had been decided, but he felt some misgivings on one point: What were the means available for irrigation?

Señor Lira replied that the studies on the subject were already far advanced, and that he was only awaiting a reply from the United States so as to send in his report to the government.

He said that by means of wooden pipes laid underground, which were being specially made in the United States, irrigation would be possible, thus making all the land productive.

He stated, in addition, that he was confident regarding the possibility of expropriating great tracts of land, under the pretext that the government contemplated undertaking drainage operations.

Señor Cox-Mendez gave expression to some doubts. Could Chilean authorities, without violating ecclesiastical patronage, close churches in Tacna which were subject to the jurisdiction of the See of Arequipa? Why were not negotiations on the subject tentatively undertaken with His Holiness?

Señor Lira declared that he considered himself as good a Catholic

as any one, and that he could be relied upon not to have recourse to violent means.

"It is not a matter," he continued, "in which Church interests are in question, nor that of wounding the religious susceptibilities of the country, but one of defeating the anti-Chilean propaganda which Peru is carrying on by means of these priests; at this very moment, they constitute her only factors.

"I very much doubt," he said in conclusion, "whether we shall ever attain a satisfactory decision in this matter unless we adopt some energetic measure: the Holy See shows partiality to Peru."

It was finally decided, upon the suggestion of the Minister, to convene upon the day following that of his return from Concepcion, at which session he begged that all members of the Commission be present so as to approve the Minutes of the previous meeting, and to begin work upon the drafts of the petitions which have to be presented to Congress.

The meeting hereupon adjourned.

Nº 134

Sesiones de la Comisión Consultiva de Tacna y Arica. (Documentos secretos, publicados en *El Comercio* de Lima, marzo 6 de 1910.)

DECRETO CREANDO LA COMISIÓN

Considerando:

1º.—Que los intereses chilenos de carácter internacional que el gobierno de Chile debe atender en el territorio de Tacna y Arica son del resorte de las diversas secretarías de estado;

2º.—Que esta circunstancia destruye la unidad y debilita la energía con que los citados intereses deben ser contemplados y atendidos;

3º.—Que conviene establecer una comisión compuesta de ciudadanos patriotas é ilustrados que asesore y auxilie la acción de la autoridad local y del gobierno central en estas materias;

Decreto:

I.—Créase en Santiago bajo el nombre de "Comité Nacionalizador de Tacna y Arica" una comisión que tendrá á su cargo el estudio y resolución de todas las medidas administrativas que sean convenientes para fomentar los intereses chilenos en aquel territorio y para asegurar el éxito de Chile en el plebiscito que ha de decidir sobre su nacionalidad definitiva.

II.—La comisión se compondrá de seis miembros que, prestarán sus servicios “ad honorem” y de un secretario que será á la vez agregado al ministerio de relaciones exteriores.

III.—La comisión dependerá directamente del ministerio de relaciones exteriores y se comunicará por su intermedio con las demás secretarías de estado y con la intendencia de Tacna.

IV.—Celebrará sesiones semanalmente y podrá deliberar con un quorum de 2 miembros.

V.—La comisión dirigirá la propaganda de prensa que crea necesaria.

Nómbrese miembros de dicha comisión á don Luis Antonio Vergara, don Joaquín Walker Martínez, don Vicente Santa Cruz, don José Ramón Gutiérrez, don Eduardo Suárez Mujica y don Enrique Mac-Iver.

Anótese y resérvese su publicación.

REPUBLICA DE CHILE

MINISTERIO DE RELACIONES EXTERIORES

Sesión celebrada por la comisión consultiva de Tacna y Arica el 22 de octubre de 1908.

Se abrió la sesión á las 6.45 con asistencia de todos sus miembros, excepción de don Mariano Guerrero Bascuñán, que se hallaba enfermo, del ministro de relaciones exteriores, el intendente de Tacna don Máximo R. Lira y el consultor letrado del ministerio, que hizo de secretario.

Abierta la sesión el señor ministro dijo que había citado á la comisión especialmente para oír la opinión del señor Lira y ofreció la palabra á este funcionario.

El señor Lira principió por reconocer la importancia que tenía la comisión consultiva para la obra en favor de la incorporación de la provincia al territorio nacional.

Hizo ver los inconvenientes que el depender la administración de la provincia de todos los ministerios tenía para la buena ejecución de la política chilena y que él pedía que quedara constancia de su satisfacción por ese decreto.

Nota de 25 de marzo.—Aplaudió esta nota y dijo que ella reflejaba sus ideas y propósitos.

Por lo demás, expresó, que habiendo él tomado parte en la redacción de ese documento no quería extenderse en otras consideraciones.

Curas peruanos de Tacna.—A este respecto dijo que no tenía

sino que repetir sus informes sobre la conducta desmoralizada del clero peruano, que es el único elemento de propaganda con que cuenta el Perú en el territorio.

Dijo que había hablado con el presidente, quien se manifestaba dispuesto á ir hasta el rompimiento con la Santa Sede en caso de que el gobierno pontificio no atendiera los derechos de Chile y autorizara el ejercicio de su ministerio á curas chilenos.

Refirió también los últimos incidentes entre el gobernador de Arica y el cura local.

Chilenizacion.—Dijo que la obra seguía adelante especialmente por lo último que se ha hecho.

Hemos triplicado la población electoral chilena, que era sólo de 425 personas, obteniendo que buena parte de los trabajadores peruanos que se ocupaban en el ferrocarril de Arica á La Paz han debido abandonar el territorio, perdiendo así el Perú algunos electores.

Prosiguiendo los trabajos tendrá que aumentarse el personal y llegaremos así á contar con el número suficiente de electores para afrontar honradamente el plebiscito.

Bajo nuestra presidencia yo aseguro el triunfo, dijo el Señor Lira.

A continuación dijo que la adquisición de propiedades se había visto entrabada con la publicación de una circular que se envió á determinadas personas; pero que esperaba que pasara el tiempo para iniciar nuevas gestiones. Para esto se cuenta con más de 300 mil pesos de la ley de setiembre de 1906.

Los estudios sobre colonización se siguen adelante y cree que en breve se podrán llevar allá 400 familias de chilenos.

Hizo ver la conveniencia de que se diera facilidades para que se trasladaran á Tacna los veteranos del 79.

El ministro dijo que eso se estudiaba con el general Körner, quien formaba una lista de jefes retirados para hacerles proposiciones á cada uno.

Preguntó el señor Vergara, don Luis Antonio, cuál era el número exacto de votantes de Tacna y Arica.

El Señor Lira contestó que sin incluir los 1040 trabajadores chilenos últimos, él era:

Peruanos.....	2,326
Extranjeros.....	538
Chilenos.....	425

Terminó el Señor Lira pidiendo la creación de nuevos subdelegados, con sueldo, la gratificación á los preceptores y la crea-

ción del departamento de Tarata para enviar á esa importante zona á un funcionario inteligente que podría hacer obra muy fructífera en favor de nuestros intereses.

Se acordó reunirse próximamente previa citación del ministro.

Sesión de la junta consultiva de Tacna y Arica celebrada el 24 de octubre de 1908

Asistieron los Señores Hevia Riquelme, Santa Cruz, Guerrero, Vergara, Cox Méndez, el sub-secretario y el consultor letrado.

El señor sub-secretario dió cuenta del nombramiento de don Federico Puga Borne como miembro de la comisión. Expresó que este nombramiento era hecho á virtud de insinuaciones de S. E. y en vista de que el señor Puga Borne había creado la comisión.

El señor Vergara excusó la asistencia del ministro, quien, por asuntos impostergables, se ha ido á su fundo.

En estos momentos se incorporó el intendente de Tacna, Señor Lira.

Debido á la ausencia del ministro se acordó reunirse el jueves próximo.

Sesión celebrada el jueves 29 de octubre de 1908.

Presidió el ministro de relaciones señor Balmaceda.

Asistieron los señores Cox Méndez, Puga Borne, Hevia Riquelme, Vergara, Santa Cruz, Guerrero, Walker Martínez, el intendente de Tacna señor Lira, el sub-secretario y el consultor letrado.

Se leyó el acta de la sesión anterior.

El señor Puga Borne agradeció la deferencia que se le había dispensado al nombrarlo miembro de la comisión.

Aprovechó el estar con la palabra para manifestar que lamentaba la ausencia del secretario de la comisión.

El sub-secretario expresó que había obtenido feriado y una licencia que estaba para terminar.

El señor Puga expresó que sería conveniente comunicarle el deseo de la comisión de que si un impedimento grave no se lo impide, aunque esté con licencia, se sirva asistir á la sesión.

El señor sub-secretario quedó de hacerlo así.

El consultor letrado dió cuenta de que el ministro, de orden del presidente, le había confiado la comisión de obtener de la dirección de contabilidad el dato exacto del movimiento que tuvo la

ley reservada que puso á disposición de la intendencia de Tacna 500,000 pesos para la obra de chilcnización de ese territorio; pero que el único dato que se le había proporcionado fué que el total de esa suma se había entregado la señor Lira, según órdenes del ministerio de relaciones.

El señor Puga Borne dijo que efectivamente el había dictado un decreto en ese sentido, porque dos días antes del término de la ley y en que los fondos debían volver á rentas generales, se impuso de que sólo se había invertido al rededor de cien mil pesos y creyó de bien nacional dictar un decreto autorizando al intendente de Tacna señor Lira para que girara por todo el saldo que se dedicaría especialmente á la adquisición de propiedades.

El señor Lira dijo que él no podría dar el dato exacto del saldo que quedaba; pero que él pasaba de 300,000 pesos, suma que él tiene destinada á la adquisición de propiedades y de radicación de familias chilenas; que para ello buscaba los mediadores á fin de que las sospechas peruanas no pudieran ejercitarse, como se ha hecho hasta aquí.

Agregó que mediante el plan de colonización que luego sometería á la aprobación del ministerio podría radicar allí numerosas familias chilenas.

Se acordó: Que el intendente de Tacna continúe en su obra de adquisición de propiedades y de radicación de familias chilenas que enviaria la comisión.

Que se continúen las gestiones ante el Vaticano hasta obtener el permiso para que curas chilenos puedan ejercer su ministerio en Tacna.

Que intertanto sea el intendente de Tacna quien fiscalice la conducta de los curas peruanos.

Que se solicite del ministerio del interior la creación del departamento de Tarata y la creación de varios puestos de sub-delegados.

En la aprobación de estos puntos sólo hubo ligeros cambios de ideas.

A continuación el señor Puga Borne dijo que había hablado con el administrador del ferrocarril de Arica á La Paz, don Manuel Ossa, quien le había manifestado que en marzo impulsaría grandemente las obras de construcción de la línea férrea; pero que pensaba traer operarios italianos, lo que no podía autorizar el gobierno. Agregó que el número menor de operarios que se necesitarían será de 4000, lo menos.

Los señores Walker, Guerrero, Vergara, Balmaceda y el intendente de Tacna encontraron muy grave el asunto.

Se acordó pedir al gobierno que para las obras de ese ferrocarril sólo se lleven operarios chilenos.

Por lo avanzado de la hora se levantó la sesión.

*Sesión de la comisión consultiva de Tacna y Arica celebrada el
20 de noviembre de 1908.*

Asistieron el ministro de relaciones exteriores señor Balmaceda y los señores Adolfo Guerrero, Federico Puga Borne, Anselmo Hevia Riquelme, Mariano Guerrero Bascuñán, el señor consultor letrado y el sub-secretario señor Prieto.

Se leyó y aprobó el acta de la sesión anterior.

Cuenta.—Se dió cuenta de dos cartas; una de don Joaquín Walker Martínez y la otra de don Luis Antonio Vergara. Ambos excusan su asistencia por tener que estar en la cámara.

El señor Puga Borne presentó la excusa de don Vicente Santa Cruz.

En este momento se incorporó don Máximo R. Lira, intendente de Tacna.

Llegó y pidió la palabra.

Dijo que había terminado el proyecto sobre colonización de Tacna y Arica, al cual le dió lectura.

Propone en él que el gobierno por medio de tercera persona adquiriera ó expropié terrenos en la provincia que serían entregados á la colonización, como el medio más eficaz de chilénizar el territorio y de llevar á esa zona el elemento electoral que se necesita para el triunfo de un plebiscito honrado, al cual él aconseja que se vaya.

Serán considerados colonos todos los chilenos casados y con hijos que se dirijan á establecerse en Tacna ó á los chilenos á quienes se acuerde el carácter de tal por el gobierno.

Entre estos últimos se dará preferencia á los veteranos de 1879.

A cada colono se le asignará un lote de terreno; se le darán animales y útiles de labranza; semillas y se le ayudará en la construcción de sus habitaciones.

Los trabajos correrán en todo bajo la vigilancia de la junta que funciona en Tacna, compuesta del intendente, el presidente de la corte y don Adolfo Holley.

Terminada la lectura del proyecto, el señor Lira hizo presente que para su aplicación se necesitaban fondos.

A indicación del señor Puga se acordó solicitarlos del congreso, para lo cual el señor Lira proporcionará al ministerio todos los datos que sean necesarios. Así se acordó.

El señor Lira tomó nuevamente la palabra y dijo que se le excusara de que no diera por oficialmente presentado el proyecto de colonización, pues necesitaba consultarlo con sus colegas de la comisión de chilenización de Tacna, uno de cuyos miembros, el señor Blanlot, preparaba un proyecto sobre el particular.

El señor Guerrero encontró mucho fundamento á lo expuesto por el señor Lira, quien prometió remitir su proyecto tan pronto fuera aprobado y firmado en Tacna.

Juzgado en Tarata.—Después de un cambio de ideas en el que tomaron parte todos los presentes, se acordó pedir la creación de un juzgado de letras en Tarata.

Servicios públicos.—El señor Balmaceda dijo que de acuerdo con el presidente redactaría un proyecto de reforma de todos los servicios de Tacna y Arica, teniendo como base una mayor renta del personal.

La comisión la aplaudió la idea.

El ministro quedó de presentar los proyectos al congreso.

Servicio religioso.—El señor Guerrero insinuó la conveniencia de solicitar del ministerio que dé plenos poderes al intendente Lira para proceder en este punto tomando en cuenta la ninguna atención que la Santa Sede ha prestado á las reclamaciones de Chile.

El ministro dijo que había conferenciado largamente con el presidente al respecto, con quien había convenido ya investir de toda autoridad al intendente Lira.

El señor Lira expresó que no se temiera que cometiera atropellos: que él sería enérgico en el fondo y prudente en la forma.

Contrabandistas.—El señor Lira hizo una larga relación sobre este particular. Dijo que después de los curas eran los contrabandistas los que daban vida al elemento electoral peruano.

Dió á conocer con cifras cuál era la importancia que para el Perú tenían los contrabandistas.

Se acordó solicitar del ministerio de hacienda que diera instrucciones á la superintendencia de aduanas á fin de que se vigilaran atentamente las fronteras con el Perú, dando á la vez instrucciones para que se denunciara todos los contrabandistas.

El señor Lira dijo que cooperaría gustoso.

Por lo avanzado de la hora se levantó la sesión.

Se acordó celebrar sesión mañana sábado 21.

BALMACEDA.

ALEJANDRO ALVAREZ.

Sesión celebrada el sábado 21 de noviembre de 1908.

Asistieron los señores Vicente Santa Cruz, Joaquín Walker Martínez, Mariano Guerrero Bascuñán, Ricardo Cox Méndez, el sub-secretario de relaciones, el intendente Lira y el consultor letrado.

Acta: fué leída la de la sesión anterior.

El señor Walker expresó que tratándose de acuerdos de trascendencia, en los cuales no habían tomado parte ninguno de los presentes, él consideraba que no era procedente aprobar el acta.

Yo, continuó, estimo patrióticos y bien inspirados todos los acuerdos y les prestaré mi más franca aprobación.

Fué de opinión que el acta fuese aprobada en otra sesión.

El Señor Guerrero Bascuñán dijo que conocedor del terreno de Tacna y Arica, de la situación propicia en que nos encontramos para aumentar nuestra población electoral allí, él no tenía observación que hacer á los acuerdos.

En estos momentos se incorporó á la sala el ministro de relaciones.

En el acto se le impuso del incidente del acta.

Expresó que el objeto de la reunión había sido únicamente dar á conocer los acuerdos tomados á los miembros inasistentes á la sesión de ayer, pues debía recabarse para ellos la aprobación legislativa, por lo cual era conveniente que fuesen rodeados de la mayor autoridad.

El señor Guerrero Bascuñán dijo que aplaudía y aprobaba todo lo obrado; pero que tenía una duda: ¿con qué elementos se contaba para el riego?

El señor Lira dijo que tenía estudios muy adelantados al respecto y que sólo esperaba una respuesta de los Estados Unidos, para proponer al gobierno el proyecto.

Dijo que con cañerías subterráneas de madera, mandadas fabricar especialmente á Estados Unidos se podía regar y hacer fértil todo el territorio.

Expresó además que él estaba seguro que se podrían expropiar grandes extensiones de terreno so pretexto de que el gobierno quería efectuar obras de saneamiento.

El señor Cox Méndez dijo que tenía algunas dudas; ¿podía la autoridad chilena, sin violar el patronato, cerrar iglesias en Tacna, que dependen de la jurisdicción del obispo de Arequipa? ¿Por qué no se tientan arreglos ante Su Santidad?

El señor Lira dijo que él se creía católico cual el que más y que no iría él con violencias.

No se trata, continuó, de intereses de la iglesia ni de herir el sentimiento religioso del país, sino de detener la campaña antichilena que realizan por medio de los curas los peruanos. Hoy por hoy son sus únicos elementos.

Yo dudo, terminó, que sin un paso enérgico lleguemos á un arreglo en este asunto: la Santa Sede se inclina al Perú.

Finalmente, á indicacion del ministro, se acordó hacer una nueva citación para el día siguiente á su regreso de Concepción, á cuya sesión se rogaría que asistieran todos los miembros de la comisión, á fin de aprobar el acta anterior y poder iniciar los trabajos de redacción de los mensajes que han de presentarse al congreso.

Se levantó la sesión.

No. 135

Letter from the Chilean Minister of Foreign Affairs to the Chilean representative in Washington, January 20, 1906. (Secret Documents published in *El Comercio* of Lima, March 7, 1910.)

Enclosure with confidential dispatch No. 71.

REPUBLIC OF CHILE,
MINISTRY OF FOREIGN RELATIONS,
Santiago, January 20, 1906.

SR. JOAQUIN WALKER MARTINEZ, *Washington.*

DEAR SIR AND FRIEND: From the confidential dispatches and cables received lately by this Department from you, I have noted with pleasure the success you have attained in the preliminary steps taken relative to our presence at the Third International American Conference, which will take place in Rio de Janeiro next July, as well as to the Second Peace Congress which will shortly convene at The Hague.

Your attitude and the line of conduct you have followed are in complete harmony with the government's policy.

I would recommend you, therefore, to persevere invariably in this direction, so as to procure that the very satisfying declarations made by Mr. Root be confirmed by the American Delegates to both Conferences.

If, as you believe, and as the writer—judging from information which reaches us from various sources, including that of Minister Hicks—is likewise willing to admit, that the Secretary of State's declarations are sincere, it would seem as though at the present time we can rely, on the one hand, on the United States continuing its policy of non-interference in our question with Peru, and, on the other, that the new definition or corollary of the Monroe Doctrine, which is rising on the horizon, will not or could ever imply the adoption of that intolerable policy of interference, so crudely proclaimed by President Roosevelt.

Were the Government of the United States, instead of making declarations which wound our natural susceptibilities, to pave the way for and propose a conference of a continental character, to deal with the scope and extent which may be attributed to this doctrine, while respecting the solidary rights of all and each one of the American Republics, the Government of Chile, under such

circumstances, would be willing to cooperate in the action of the American Government, and our Delegates to the Conference at Rio would receive definite instructions on the subject.

It is therefore of the highest importance that you continue to keep constant and diligent watch, and as closely as possible; noting the tendencies revealed by the policy of the United States in everything which affects or concerns us. Every manifestation, in one or the other direction, however insignificant it may appear, will be of much use to us, since, from the thoughtful and opportune recommendations and reports of our diplomatic officers will depend, in great measure, the direction which shall be given to, and reflected in, the attitude of our representatives at the above-mentioned Conference.

I note with satisfaction that you are imbued with the conviction of how much is to be expected from the action of our representative in Washington in maintaining relations with the United States on that footing of sincere cordiality in which they find themselves at present. We must strive, without thereby stooping to unworthy flattery, to secure the confidence and goodwill of that country. We must endeavor to secure that the good intentions expressed to you by Mr. Root, should prevail in the policy of the United States. It is imperative that this policy should be inspired by the lofty views which Mr. Root's predecessor entertained, if the friendship of our country is to be won.

The place where you are at present enables you, under very favorable conditions, to observe and control the respective positions which our Republics occupy on the Continent. Nowhere, better than in Washington, can their political, economic and commercial aspirations be ascertained as well as the probable attitude which each will adopt in the forthcoming Conference.

It is not hard to foresee, even at this moment, that the Argentine Republic will attempt to head or direct some collective South American political movement. The tone of the Buenos Aires press foreshadows this, as does the probable designation of Sr. Drago as the Delegate to the Conference; you are aware of the importance which it endeavored to attribute to Señor Garcia Merou's note to the State Department, and the manner in which the Government of Chile received the suggestions on the subject, made by the Argentine Republic. You had the advantage of being concerned in this matter and you are therefore in a position to fully appreciate that now, as then, we must act with absolute independence, uniting our action to that of other countries only

in certain and specific cases. We can never follow Brazil should it adopt a policy of abject submission to the imperialistic views of the United States, but in all events and circumstances, we must proceed with much tact and prudence so as to prevent a hostile or unfriendly interpretation against the United States being placed upon any step we may take, either singly or for the purpose of joining in any movement or agreement of a collective nature which may be concerted among the Latin American Republics, or among all or some of the South American countries alone.

The European nations will closely follow everything relating to the forthcoming Conference, and will seize upon, for their own advantage, any incident of an unpleasant or disturbing nature which may arise. Chile must hold in Rio the same balance she maintained in Mexico, endeavoring to secure advantages without contracting obligations which might be harmful to our relations with European nations.

Should the approaching Conference give birth to some agreement, tending to initiate, under reciprocally favorable conditions, a system of gradual and progressive free exchange between the Latin American nations; were the United States to propose to us fair and reasonable conditions to assist us to become an economic factor, in a position to be considered a powerful and undivided unit in negotiating a Commercial Treaty with that country, then the writer believes that the outcome of the Congress would be profitable to us. I cannot believe that the United States, in exchange for its assistance in this direction, would expect privileges or monopolies which it would be neither possible nor convenient for us to grant.

Such commercial concessions as the Latin American Republics may grant each other reciprocally, will doubtless redound to our advantage, principally on the Pacific coast. We are already experiencing the results of our friendly "rapprochement" with Bolivia; we shall soon see these increase considerably. Peru and other republics of the Coast as far as Mexico, contain vast and profitable markets for many of our agricultural products. For nitrate and minerals we have sure markets. It seems to me that all we require is to increase our production, improve our means of communication and port facilities, encourage shipping companies and syndicates to organize, and institute, in fine, different measures of this kind in a greater or lesser degree, so that our commercial intercourse may acquire that vigor and activity which it so sadly lacks at the present time.

With regard to our issue with Peru, we must act at once, and then go to Rio frankly, throwing aside the mask. Animated by the lofty principles of *practical* Pan-Americanism which I have outlined, we need no longer conceal the stand which we must adopt with reference to the question of Tacna and Arica.

The Argentine Republic will have neither a pretense nor an excuse, while the treaties of May are in force, to be the hub of a conspiracy directed against our country.

Should the United States, convinced of our firm and unalterable determination to stand upon our legitimate rights, keep out of the debates—as occurred in Mexico—all matters which might lead to disturbing or useless discussion, and confine themselves to guiding the labors of the Conference in the direction of profitable and friendly agreements, then it is a foregone conclusion that no difficulties or obstructions will be encountered and still less that surprises will be sprung.

Although we have always advocated, and still, in principle, do advocate arbitration, we have not been able to accept it in the past, nor will we accept it in the future, with reference to a question “which is not within the province of this recourse.”

The declarations made to you by President Roosevelt are very encouraging; we could never refuse our cooperation on the Pacific coast to any undertaking for the prosperity, the good order and progress, and above all, for the solidarity of, and harmony among the nations of America.

I think it almost superfluous to specify in detail the points which, in the opinion of this Department, we consider essential should be included in the programme of the approaching Conference. You are perfectly acquainted with the principles which the Government of Chile must defend. Nevertheless, I am sending an official dispatch in reply to your cable No. 22 of the 21st of December.

The labors and the practical or negative results of previous Pan American Conferences point the way to what will or may be achieved in that of Rio de Janeiro.

We must take part therein with eagerness, imbued with a desire to work on clearly practical lines, directing our efforts to the welding, above all else, of enduring ties between these countries. Their common commercial and economic interests are very evident, and Chile will have undertaken a vigorous and fraternal enterprise by speaking, convincingly, of the benefits of customs unity, free exchange, reciprocity treaties, and matters

of this kind which appeared premature and even Utopian at the Pan American Conference of Washington.

I believe that the United States which, up to the present, has considered us as nations incapable of appreciating the benefits of every kind which an economic association would undoubtedly bring us, will applaud our attitude on the issues I have mentioned.

No incident of any real importance has disturbed our foreign relations. Since the appointment of Señor Rafael Balmaceda as Minister to Peru, we have only discussed, with Señor Alvarez Calderon, matters of a secondary nature, for the purpose of proving that the desire to create closer ties really exists.

In the furtherance of this idea, negotiations have been undertaken for the subsidy of rapid sea communication between Chilean and Peruvian ports up to Panama; we have touched upon possible customs and coasting trade agreements; discussed the adjustment of minor claims which were pending. I have not considered it timely to broach the fundamental problem. It is very important that the Peruvian Representative should be convinced of the feeling of public opinion relative to the matter at issue. *He must already be impressed by the fact that Chile will exhaust every means before she foregoes the expectations furnished her by the Treaty of Ancon.*

Señor Alvarez Calderon left a few days ago for Buenos Aires, to meet his family which arrives there from Europe, and bring the members back with him to Chile.

He expects to return shortly, whereupon Señor Balmaceda will decide upon the date of his departure for Lima. The news of this appointment has been well received in the city, while the government believes that Señor Balmaceda's special qualifications will enable him to successfully cooperate towards the favorable conclusion of the negotiations which may be undertaken to assure to Chile "the final possession" of the province of Tacna.

I cannot, at this present time, give any positive information respecting these negotiations; they will, at all events, be in harmony in their broad outlines, with the policy which the government of the Republic has already given out and will conform to the general expectations: that any agreement entered into can only be on the basis of the final retention by Chile of the whole territory, whose sovereignty and definite nationality this Department considers "practically decided already in our favor."

So as to attain this result, a formula will be found which, while safeguarding the susceptibilities and the self-respect of the Peru-

vians, will bring our country considerable pecuniary and commercial "compensations," brought about by means of some compromise or by a "direct adjustment."

We are determined to enter into this agreement in a spirit of generous and cordial sincerity. Should Peru reject it, we will initiate negotiations which will strictly observe the stipulations of the Treaty of Ancon, bearing upon the conditions for the regulation of the plebiscite, respecting which we will accept none but "conditions of equality which will be tantamount to assuring our triumph" in the balloting, as a result of the diligence which we are, of course, exercising "to enlist Peruvian good-will" and that of foreigners and to increase the number of Chilean inhabitants in the territory.

Our relations with Argentina have become complicated by the matter of the exact dividing line (*eje*) of the Beagle Canal. The Government of that Republic invited our Minister in Buenos Aires to appoint a commission of experts to make a study of the canal, in accordance with the stipulations contained in the Treaty of '81, which requires that the determination of the dividing line be ascertained on the spot; he was handed, for this purpose, the draft of a provisional protocol. It seems that our Minister of Foreign Relations in turn handed Señor Anadón a counter proposal, which suggested an appeal to arbitration instead of the appointment of a commission of experts.

From the lectures and publications by Argentine naval officers, we gather that they cherish the expectation of establishing the dividing line of the Beagle Canal to the south of the Picton, Nueva and adjacent islands, thus transforming them into Argentine territory.

I intend informing the government of that nation that, upon a closer study of the question, I do not consider that the rules applying to land-surveying on the spot can be adapted to the Beagle Canal, which is a natural boundary already determined by geographers previous to '81. We shall see later whether they formally present the claim.

It would not surprise me if the Argentine Government, on the strength of the attention which this Department accorded, some time ago, to this interpretation of the matter, should insist in its pretension, with the result that a situation may eventually arise for which no recourse will be found except an appeal to arbitration.

* * * * *

Before I bring this to a close, and as a corollary to what I

mentioned above relative to our intentions in the Peruvian question, I must tell you that the government will assiduously strive, with daily increasing determination and tenacity, to secure that the "inhabitants of Tacna abandon their convictions."

The most efficacious measures have been and are being taken to this effect. The local authorities of the Republic are energetically and efficiently cooperating in the government's policy. Everything points to the fact that upon the beginning of the work on the Arica-La Paz railroad, the problem of the chilenization of Tacna will assume a phase entirely satisfactory to this end. Moreover, the government is determined to spend whatever should be necessary to bring the plan, which it has outlined with regard to this matter, to a successful issue.

I shall have much pleasure to advise you shortly with respect to the trend of events in the Department.

Meanwhile, I remain your affectionate friend and obedient servant.

F. PUGA BORNE.

Nº 135

Comunicación del Ministro de Relaciones Exteriores de Chile al representante chileno en Wáshington, del 20 de enero de 1906.

(Documentos secretos publicados en *El Comercio* de Lima, el 7 de marzo de 1910.)

Anexo al oficio reservado No. 71.

REPÚBLICA DE CHILE,
MINISTERIO DE RELACIONES EXTERIORES,
Santiago, 20 de enero de 1906.

Sr. D. JOAQUÍN WALKER MARTINEZ, *Wáshington.*

Estimado señor y amigo: Por las notas confidenciales y cablegramas de Ud., recibidos últimamente en el ministerio me ha sido grato imponerme de la acertada actuación que le ha cabido tener con motivo de los pasos preliminares dados para acordar nuestra concurrencia á la 3a. conferencia internacional americana que en julio próximo se celebrará en Río Janeiro y al 2o. congreso de la paz que tendrá lugar próximamente en La Haya.

La actitud asumida por Ud. y la conducta que observa se armonizan con los propósitos del gobierno.

Recomiendo á Ud. por lo tanto que prosiga, sin desviación, por el camino que se ha trazado, á fin de obtener que las satisfactorias declaraciones de Mr. Root sean confirmadas por los delegados americanos á dichas asambleas.

Sí, como Ud. lo cree y como el infrascrito, á juzgar por las informaciones que nos llegan por distintos conductos como por la conducta benévola del ministro Hicks, también lo admite, hay sinceridad en las declaraciones del secretario de estado, parecería que hoy por hoy podemos contar, por una parte, con que los Estados Unidos no se apartarán de su política de prescindencia en nuestras cuestiones con el Perú, y por la otra parte con que la nueva noción ó corolario de la doctrina Monroe que ahora surge, no será ni podrá ser el inaceptable intervencionismo pregonado en forma cruda por el presidente Roosevelt.

Si, antes de proceder á hacer declaraciones que hieran nuestras naturales susceptibilidades, el gobierno de los Estados Unidos busca y propone un concierto de carácter continental, sobre el alcance y radio que pueda dársele á dicha doctrina, sin menoscabo de los derechos solidarios de todas y cada una de las repúblicas americanas, el gobierno de Chile, en tal caso, cooperaría á la acción del gobierno americano. Nuestros delegados á la conferencia de Río Janeiro llevarían precisas instrucciones sobre el particular.

Es, pues, de toda importancia que Ud. continúe vigilando constantemente y tan de cerca como sea posible, las tendencias que vaya revelando la política de los Estados Unidos en todo lo que nos afecta y concierne. Cualquier indicio que Ud. note en éste ó aquel sentido, por insignificante que parezca, nos será de utilidad, pues de las atinadas y sagaces observaciones é informes de nuestra diplomacia deberá depender, en parte considerable, el giro que habremos de imprimir á la actitud de nuestra representación en la expresada conferencia.

Veo, con satisfacción, que Ud. está penetrado de lo mucho que hay que esperar de la acción de nuestro ministro en Washington para mantener las relaciones con Estados Unidos en el estado de franca cordialidad en que se encuentran. Debemos, por todos los medios posibles, sin adulos indignos de nosotros, buscar la confianza y la simpatía de ese país. Debemos conseguir que los buenos propósitos que Mr. Root ha manifestado á Ud. predominen en la política internacional americana de los Estados Unidos. Es necesario que ésta se inspire en las elevadas miras que abrigó el antecesor de Mr. Root, si desea obtener la simpatía de nuestro país.

El centro en que está Ud. colocado le permite, en condiciones del todo favorables, observar y dominar las respectivas posiciones que, en el continente, ocupan nuestras repúblicas. En parte

alguna, mejor que en Washington, podrá juzgarse con más acierto, de sus tendencias políticas, económicas y comerciales y de la probable actitud que cada una de ellas asumirá en la futura conferencia.

No es difícil divisar, desde hoy mismo, que la República Argentina pretenderá encabezar ó dirigir algún movimiento de política colectiva sudamericana. Lo está indicando el tono de la prensa de Buenos Aires, así como la probable designación del señor Drago como delegado á la conferencia; Ud. conoce el alcance que se pretendió dar á la nota que el señor García Mérou presentó al departamento de estado, y la forma en que el gobierno de Chile acogió las insinuaciones que el de la República Argentina le hizo al respecto. A Ud. le cupo actuar en ese incidente, y puede, por lo tanto, comprender plenamente que hoy, como entonces, nos corresponde obrar con independencia, uniendo nuestra acción á la de otros países sólo en ciertos y determinados casos. No podemos seguir al Brasil si adopta una política de sumisión incondicional á las miras avasalladoras de los Estados Unidos; pero en todo caso y evento, debemos proceder con singular tino y prudencia para evitar que se atribuya alcance de hostilidad ó mala voluntad hacia los Estados Unidos á cualquier paso que demos, ya sea aisladamente, ó con el fin de entrar en cualquier movimiento ó acuerdo de carácter colectivo que se concierte entre las repúblicas latino-americanas, ó entre todas ó algunas de las sudamericanas únicamente.

Las naciones europeas seguirán muy de cerca todo lo que se relacione con la futura conferencia, y aprovecharán, en beneficio propio, cualquier incidente enojoso ó perturbador. Chile debe mantener en Río Janeiro el mismo equilibrio que mantuvo en Méjico, procurando obtener ventajas sin contraer compromisos que perjudiquen nuestras relaciones con las naciones europeas.

Si de la futura conferencia resultara algún acuerdo que tendiera á preparar, en condiciones recíprocas ventajosas, el libre cambio gradual y progresivo entre los países latino-americanos; si los Estados Unidos trataran con nosotros en términos razonables y equitativos, ayudándonos á constituir una entidad económica capaz de presentar un frente poderoso y unido para celebrar con ella un tratado de comercio; cree el infrascrito que la obra del congreso sería beneficiosa para nosotros. No me parece que los Estados Unidos, en cambio de su apoyo en tal sentido, pretendan obtener privilegios ó monopolios que no sería posible ni conveniente otorgarles.

Las concesiones comerciales que recíprocamente se otorguen las repúblicas latino-americanas entre sí redundarán sin duda en ventajas para nosotros en las costas del Pacífico principalmente. Ya estamos palpando los frutos que trae nuestro acercamiento cordial á Bolivia: pronto los veremos acrecentarse. El Perú y demás repúblicas de la costa hasta Méjico presentan mercados vastos y remuneradores á muchos productos de nuestra agricultura. Para el salitre y minerales tenemos mercados seguros. Considero que sólo necesitamos aumentar nuestra producción, mejorar las vías de comunicación y los puertos, alentar á las casas y sindicatos de exportación que se organicen, y, adoptar, en fin, varias otras medidas análogas, de mayor ó menor entidad, para que nuestras corrientes comerciales adquirieran el vigor y actividad que hoy les hacen falta.

Por lo que toca á nuestros asuntos con el Perú, debemos obrar hoy é ir mañana á Río Janeiro con toda franqueza y á cara descubierta. Animados de los elevados propósitos de pan-americanismo práctico que he enunciado, no tenemos por qué ocultar la actitud que nos corresponde asumir en la cuestión de Tacna y Arica.

La República Argentina no tendrá pretexto ni excusa, mientras estén en vigencia los pactos de mayo, para hacerse el eje de una confabulación en contra de nuestro país.

Si los Estados Unidos, penetrados de nuestra tranquila y decidida voluntad de mantenernos dentro de nuestros legítimos derechos, eliminan de los debates, como en Méjico, las cuestiones que puedan ser causa de cuestiones enojosas ó estériles, y se concretan á encauzar los trabajos de la conferencia por la vía de los acuerdos fructíferos y cordiales, es indudable que no se producirán tropiezos ni dificultades, ni mucho menos sorpresas.

Por más que hemos sustentado y sustentamos, en principio, el arbitraje, no pudimos aceptarlo antes ni lo aceptaremos en una "cuestión que no admite ese recurso."

Las declaraciones que hizo á Ud. el presidente Roosevelt son alentadoras y no podríamos negarnos á cooperar en estas costas del Pacífico á toda obra de bienandanza, de orden, de progreso y, sobre todo, de solidaridad y concordia americanas.

Considero casi excusado indicar á Ud. una por una, las materias que á juicio de esta cancillería, conviene figuren en el programa de la futura conferencia. Ud. se halla empapado de los principios que debe sustentar el gobierno de Chile.

Va, sin embargo, una nota oficial en respuesta al cablegrama de Ud. No. 22, de 21 de diciembre.

La labor y los resultados positivos ó negativos de las anteriores conferencias pan-americanas, nos están indicando lo que deberá ó podrá realizar la de Río Janeiro.

Debemos ir á ésta, con espontaneidad y con espíritu de trabajo sinceramente práctico, encaminando nuestros esfuerzos á crear, sobre todo, sólidos lazos que ligen á estos países.—Sus comunes intereses comerciales y económicos son evidentes, y Chile habrá intentado una obra sana y fraternal hablándoles, con convicción, de unión aduanera, de libre cambio, de tratados de reciprocidad, de todo aquello, en fin, que parecía prematuro casi utópico en la conferencia Pan-Americana de Washington.

Creo que los Estados Unidos, que siempre nos han mirado como á pueblos incapaces de comprender los beneficios de todo orden que nos traerá sin duda un concierto económico, aplaudirán nuestra actitud en el sentido indicado.

Ningún acontecimiento de verdadera importancia ha venido á producirse en nuestras relaciones exteriores.—Después del nombramiento de don Rafael Balmaceda como ministro en el Perú nos hemos ocupado únicamente con el señor Alvarez Calderón de arreglos de orden subalterno, encaminados á demostrar que existe en verdad el deseo de crear y estrechar vínculos.

A este fin, se han iniciado negociaciones con el objeto de subvencionar la navegación rápida entre los pueblos chilenos y los peruanos hasta Panamá; se ha hablado de posibles convenios aduaneros y de cabotaje, y de solucionar los reclamos menudos que tenemos pendientes. No he creído conveniente abordar todavía el problema fundamental. Es necesario que el representante del Perú se penetre de la atmósfera que aquí domina en las cuestiones pendientes. Debe ya comprender que Chile agotará sus esfuerzos antes que renunciar á las expectativas que le presenta el tratado de Ancón.

El Señor Alvarez Calderón partió hace pocos días para Buenos Aires, á fin de recibir y traer á Chile á su familia, que llegó de Europa á esa ciudad.

Regresará en breve y á su regreso decidirá el señor Balmaceda la fecha de su viaje á Lima. En esa capital ha sido recibida con agrado la noticia del nombramiento de nuestro ministro y el gobierno cree que las condiciones del señor Balmaceda lo colocarán en situación ventajosa para cooperar al éxito de las negociaciones que se emprendan para asegurar á Chile “la posesión definitiva” de la provincia de Tacna.

Nada positivo puedo todavía anticipar acerca de tales negocia-

ciones; ellas se armonizarán, en todo evento, en sus líneas generales, con los propósitos que ya ha dado á conocer el gobierno de la república y con la general aspiración de que todo arreglo consulte la conservación íntegra por Chile del territorio cuya soberanía y nacionalidad definitiva considera esta cancillería “prácticamente resueltas en favor nuestro.”

Para consagrar este hecho se buscará una fórmula que, salvando la susceptibilidad ó amor propio de los peruanos, proporcione á su patria considerables “compensaciones” pecuniarias y comerciales, por medio de una transacción ó “arreglo directo.”

Iremos á esta solución con generosa y cordial sinceridad. Si el Perú la rechaza iniciaremos con estricta sujeción á las estipulaciones del tratado de Ancón, negociaciones para acordar las bases del plebiscito, en el que no aceptaremos “sino condiciones de equivalencia que nos dejaran la seguridad del éxito” en la votación merced á la diligencia que desde luego estamos desplegando “para conquistar voluntades” peruanas y extranjeras y para aumentar la población chilena del territorio.

Nuestras relaciones con la Argentina han tropezado con la cuestión relativa á la determinación del eje del canal Beagle. El gobierno de esa república invitó á nuestro ministro en Buenos Aires á nombrar comisiones de peritos que hiciesen el estudio de dicho canal, fundándose en la disposición del tratado del 81 que manda efectuar la demarcación de la línea divisoria en el terreno; para el efecto le hizo entrega de un proyecto de protocolo. Parece que nuestro ministro de relaciones entregó al señor Anadón un contra proyecto en que se proponía ir al arbitraje en vez de nombrar comisiones de peritos.

De las publicaciones, conferencias, etc. hechas por marinos argentinos se puede colegir que abrigan la pretensión de trazar la línea del canal Beagle al sur de las islas Picton, Nueva é islotes adyacentes, convirtiéndolos así en argentinos.

Me propongo manifestar al gobierno de aquel país que con mejor estudio de la cuestión, no creo aplicables las reglas para demarcación en el terreno al canal Beagle, límite establecido por la naturaleza y fijado por los geógrafos antes del 81. Después veremos si entablan la demanda.

No sería extraño que el gobierno argentino, apoyándose en que esta cancillería ha prestado ya alguna atención á su manera de presentar la cuestión, insista en sus gestiones hasta producir una situación que no tenga más salida que el arbitraje.

* * * * *

Antes de terminar, y como complemento de lo que manifesté más arriba acerca de nuestros propósitos relacionados con la cuestión peruana, debo decir á Ud. que el gobierno se propone trabajar cada día con más esmero y tesón, para conseguir "que cambie la opinión de las poblaciones de Tacna."

Se han tomado y se tomarán en ese sentido las medidas más eficaces. Las autoridades locales de la república cooperan con enérgica eficacia á la acción del gobierno. Todo hace creer que con la iniciación de los trabajos del ferrocarril de Arica á La Paz, el problema de la chilenización de Tacna entrará en un periodo del todo favorable á ese fin. Por lo demás, el gobierno está resuelto á gastar lo que sea necesario para dar feliz remate al plan que se ha trazado en este asunto.

Será para mí satisfactorio volver próximamente á escribir á Ud. informándolo del giro que sigan los asuntos de esta cancillería.

Soy, mientras tanto, de Ud. afmo. amigo y seguro servidor.

F. PUGA BORNE.

Declaration made by Sr. Bello Codecido, former Minister of Foreign Affairs of Chile, in his volume: "Anotaciones para la Historia de las negociaciones diplomáticas con el Peru y Bolivia," in which he refers to the secret documents published in Peru. (Pp. 202 and 203 of the Santiago, 1919, edition.)

* * * * *

"On the 20th of October, in Santiago and in the office of the Minister of Foreign Relations, the Treaty of Peace and Friendship, whose outstanding features have been described, was signed, and, at the same time and with identical ceremony, the Confidential Complementary Protocol to this treaty, duplicates of these instruments being likewise drawn up, in the manner usual with international agreements of this nature.

"It may seem strange that I should mention, in this volume, a confidential diplomatic incident, necessary, however, in view of its undoubted importance to properly appreciate the antecedents of the treaty and their influence on the solution of the problem at issue with Peru. However, the real truth is that the Confidential Protocol, to which I have referred, has ceased to be a secret document, because the original copy, which was kept among the secret archives of our Ministry, disappeared some time ago, together with other documents of a like nature; stolen, owing to the most unheard-of carelessness and, having come into the possession of the Peruvian Government, in a manner superfluous to qualify, were most of them published in 1909 and 1910 in the Lima press."

* * * * *

"Much has been said about the theft of documents in 1909, but up to the present no one knew that among them was the Complementary Protocol of the Peace Treaty with Bolivia, a document with regard to whose existence not many Ministers of Foreign Relations of Chile were aware, subsequent to 1904.

"Further secrecy on this point is therefore unnecessary and however painful it may be to have to expose the shortcomings of bureaucratic methods which obtain in public offices, where the most delicate questions affecting our international relations are handled, it is impossible to further conceal facts upon which public

opinion has the right to be informed and to pass judgment, especially in view of the historical importance which attaches to them. It may be that the gravity of these disclosures will contribute to the evident necessity for a complete reorganization of the dependencies of the Ministry of Foreign Relations, establishing among its departments the "system which this branch of the service, by the very nature of its transactions, of the utmost delicacy, urgently requires."

Nº 136

Exposición hecha por el ex-Ministro de Relaciones Exteriores de Chile, Bello Codecido, en el libro "Anotaciones para la historia de las negociaciones diplomáticas con el Perú y Bolivia," en la que se refiere a los documentos secretos publicados en el Perú. (Págs. 202 y 203 del libro editado en Santiago, en 1919.)

El día 20 de octubre se procedió a firmar en Santiago en la sala de despacho del Ministro de Relaciones Exteriores, el Tratado de Paz y Amistad, cuyos antecedentes principales dejamos expuestos, y al mismo tiempo, y con iguales solemnidades externas, el Protocolo Confidencial Complementario de dicho Tratado, extendiéndose ejemplares por duplicado en la forma acostumbrada para esta clase de convenios internacionales.

Parecerá extraño que dé cabida en esta publicación a un incidente diplomático de carácter reservado, aunque de indiscutible importancia para apreciar los antecedentes de aquel Tratado y su influencia en la solución del problema pendiente con el Perú. Pero es el caso que el Protocolo Confidencial a que vengo refiriéndome ha dejado de ser un documento reservado, porque el ejemplar original que se conservaba en el archivo reservado de nuestra Cancillería, desapareció hace tiempo juntamente con otros documentos de igual carácter que fueron sustraídos a causa de inconcebibles descuidos y que, habiendo llegado a manos del Gobierno del Perú, por medios que no hay para qué calificar, se publicaron en su mayor parte en 1909 o 1910 en la prensa de Lima.

* * * * *

Mucho se ha hablado de la sustracción de documentos verificado en 1909, pero nadie ha sabido antes de ahora que entre esos documentos se encontrase un Protocolo Complementario del Tratado de Paz con Bolivia, documento de cuya existencia no han tenido noticia muchos de los Ministros de Relaciones Exteriores de Chile posteriores a 1904.

No cabe, pues, mayor reserva sobre este punto, y por penoso que sea exhibir los defectos del régimen administrativo que impera en oficinas públicas en donde se ventilan las más delicadas cuestiones de nuestra política internacional, no es posible que se ignoren por más tiempo hechos que la opinión del país tiene derecho a conocer y juzgar, dada la importancia histórica que ellos revisten. Puede que la gravedad de estas revelaciones contribuyan a que se dé alguna vez satisfacción a la necesidad de reorganizar convenientemente los servicios que corren a cargo del Departamento de Relaciones Exteriores, estableciendo en sus oficinas y dependencias el régimen que corresponde a este ramo de suyo delicado, y de naturaleza diversa de la de los otros Departamentos de Estado.

* * * * *

Communication addressed by Sr. Edwards, Minister of Foreign Affairs of Chile to the Governor of Tacna, February 17, 1910, ordering the expulsion of the Peruvian priests. (Report of the Ministry of Foreign Affairs of Chile for 1910, p. 156.)

* * * * * For this purpose, therefore, the following communication dated February 17, was addressed by the Chilean Government to the Governor (Intendente) of Tacna:

"Article Three of the Treaty of Ancon placed the provinces of Tacna and Arica under the full sovereignty of our country, that is to say, with no limitation whatever as to the exercise thereof. As a logical consequence, both in a civil and in an ecclesiastical sense, no authority other than Chilean should be in control in that region.

"In a religious sense, however, Tacna and Arica remain within the jurisdiction of the bishopric of Arequipa, just as they were while these provinces were under the sovereignty of Peru.

"Chile did not at first attach any importance to this fact, believing that the Bishop of Arequipa would be impartial in the exercise of his functions, looking only to the spiritual welfare of the region, and adopting no measures of a political character.

"This, unfortunately, has not been the case. Our government learned, to its surprise, that the Peruvian Episcopal authority had adopted an openly hostile attitude towards the Chilean Government and authorities; it never would appoint any but Peruvians as pastors in the referred-to provinces and always refused to allow Chilean priests to discharge their sacred duties.

"In view of this strange attitude, our citizens were placed, for no just cause, in an exceedingly difficult position; for they could not give the services of religion to their countrymen in Chilean territory; and this situation, serious in itself, was complicated by the fact that Peruvian priests were, some of them, deplorably immoral and devoted themselves sedulously to an anti-Chilean propaganda within a territory which the solemn treaty had placed under our sovereignty.

"Chile has, for quite some time, desired to put an end to this situation, abnormal and mortifying to our national pride, and decided, therefore, to demand the confirmation (pase) required

by the Constitution of the Republic, for all appointments of ecclesiastics made by the Bishop of Arequipa for the provinces of Tacna and Arica. The Peruvian priests have always denied the right of our authorities to require them to submit to this requisite of our fundamental law.

"At the same time, this Chancery undertook to appeal to the Vatican at Rome, in order to secure a friendly solution of this misunderstanding.

"According to a communication from our Minister to the Holy See, the Vatican declared that: despite its good intentions in the matter, it could not grant the request of the Chilean Government. The principal reason for the refusal of the Vatican lies in the circumstance that in Tacna and Arica the ecclesiastical question is intimately bound up with the political situation of that territory; and also that, considering the state of mind and the uncompromising attitude of Peru upon this point, any measure which might be taken by the Holy See might be criticised, as being partial, by either country.

"The Peruvian priests, appointed by the Bishop of Arequipa, have determined on their side, to indulge in an exceedingly irritating and provocative attitude and appear ready to ignore our laws, while under—and this point should be noted—the protection of our Constitution.

"In fact, these individuals whom the Chilean authorities do not allow to carry out their parochial duties in the churches intended for this purpose, clandestinely exercise them in private houses, in their endeavor to evade the consitutional and necessary confirmation (pase).

"The government believes that the time is ripe to put an end to the irregularities which, at any time, imply a disrespect for its sovereign rights, and, however painful it may be, it finds itself compelled to take drastic measures to prevent our laws from being evaded with impunity.

"The government therefore has decided to exercise the powers conceded by international law to the sovereign of the territory, to expel therefrom all aliens who shall fall into contempt of its laws or who may constitute in themselves an element of discord. Article 5, Paragraph 2, of The Law of Individual Guarantees expressly recognizes in our government the power to take measures of that nature. The Chilean Government, consequently, instructs you to notify those who style themselves Peruvian priests, residing in Tacna and Arica, to depart from the territory of the Republic,

as soon as possible. You are hereby charged with the enforcement of this resolution, as well as with the duty of guarding against the re-entry of any Peruvian priest within that territory, who may be traveling with the ostensible purpose of discharging priestly functions while engaging in propaganda favorable to their country."

AGUSTIN EDWARDS.

Nº 137

Nota dirigida por el Ministro de Relaciones Exteriores de Chile, Sr. Edwards, al Intendente de Tacna, de 17 de febrero de 1910, en que ordena la expulsión de los curas peruanos.
(Memoria de Relaciones Exteriores de Chile de 1910, pág. 56.)

* * * * *

A este efecto, con fecha 17 de febrero, (el gobierno) dirigió al Intendente de Tacna la siguiente comunicación:

"El artículo 3.º del Tratado de Ancón colocó á las provincias de Tacna y Arica bajo la amplia soberanía de nuestro país, es decir, sin limitación alguna en cuanto á su ejercicio. En consecuencia, tanto en el orden civil como en el eclesiástico, no debía imperar otra autoridad que la chilena en esa región.

"Religiosamente, sin embargo, Tacna y Arica quedaron dependiendo del Obispado de Arequipa, del mismo modo que lo estaban cuando esas provincias se encontraban bajo la soberanía del Perú.

"Chile no dió al principio importancia alguna á este hecho, creyendo que el Obispo de Arequipa se mantendría imparcial en el ejercicio de sus funciones, atendiendo sólo al bien espiritual de la región, sin tomar medida alguna de carácter político.

No ocurrió así, por desgracia. Nuestro Gobierno se impuso, con sorpresa, que la autoridad episcopal peruana tomaba una actitud francamente hostil al Gobierno y á las autoridades chilenas; nunca quiso nombrar para los cargos de cura, en las provincias citadas, sino á peruanos, y se negó siempre á que ejercieran sus funciones sacerdotales, los clérigos chilenos.

"Con esta extraña actitud, nuestros nacionales quedaban sin motivo alguno justificado, en una situación por demás desmedrada, porque no podían prestar los servicios religiosos á sus compatriotas en territorio chileno, y esta situación grave de por sí, se complicaba con la circunstancia de que los curas peruanos, de deplorable moralidad algunos de ellos, se dedicaban constantemente á una

propaganda anti-chilena, en territorio que un tratado solemne ha dejado bajo nuestra soberanía.

“Chile, desde hace tiempo, ha querido poner término á esta situación anómala y mortificante para nuestro amor propio nacional, y acordó exigir el pase que establece la Constitución de la República, á todos los nombramientos de curas que hiciere el Obispo de Arequipa para las provincias de Tacna y Arica. Los curas peruanos siempre han desconocido á nuestras autoridades el derecho de exigirles que se sometan á este requisito de nuestra ley fundamental.

“Al mismo tiempo esta Cancillería entabló gestiones ante la Curia Romana, á fin de solucionar amigablemente este conflicto.

“Según comunicación de nuestro Ministro ante la Santa Sede, el Vaticano ha declarado que, á pesar de su buena voluntad, no puede acceder á lo pedido por el Gobierno de Chile. El motivo determinante en que funda su negativa la Curia Romana es la circunstancia de que en Tacna y Arica la cuestión eclesiástica está íntimamente relacionada con la situación política de ese territorio; y en que, dado el estado de ánimo y la intransigencia del Perú sobre este punto, cualquiera medida que ella tomara podría ser acusada de parcialidad por uno ú otro país.

“Los curas peruanos nombrados por el Obispo de Arequipa, se han propuesto seguir por su parte una actitud por demás irritante y provocativa, mostrándose dispuestos á desconocer nuestras leyes, y hecho digno de anotarse, al amparo de nuestra Carta Fundamental.

“En efecto, esas personas á quienes la autoridad chilena no permite ejercer sus funciones parroquiales en las iglesias destinadas á este objeto, ejercen esas funciones en casas de particulares, tratando de burlar así el pase constitucional.

“Cree el Gobierno llegado el momento de poner término á estas anomalías, que al mismo tiempo son el menosprecio de sus derechos soberanos, y por doloroso que sea, necesita tomar medidas enérgicas para que nuestras leyes no sean impunemente burladas.

“Al efecto, ha resuelto hacer uso de la facultad que el Derecho Internacional reconoce al soberano de un territorio para expulsar de él á los extranjeros que menosprecian sus leyes ó que son un elemento de discordia. El artículo 5.º, número 2.º de la Ley de Garantías Individuales, reconoce expresamente á nuestro Gobierno la facultad de tomar esta clase de medidas.

“El Gobierno de Chile, en consecuencia, encarga á V. S. se sirva notificar á los que se dicen curas peruanos que residen en

Tacna y Arica que abandonen á la mayor brevedad el territorio de la República. V. S. queda encargado de llevar á efecto esta resolución, así como de vigilar estrictamente que no entre á ese territorio ningún sacerdote peruano que vaya con el propósito ostensible de ejercer funciones sacerdotales ó de propaganda en favor de su país.

Dios guarde á V. S.

AGUSTIN EDWARDS."

No. 138

Note from the Minister of Foreign Affairs of Peru to the Minister of Foreign Affairs of Chile, September 30, 1909, complaining with regard to the abuses committed in Tacna and Arica.
(Bulletin of the Ministry of Foreign Affairs of Peru, vol. XXXV, p. 179.)

MINISTER OF FOREIGN AFFAIRS,
Lima, September 30, 1909.

SIR: The Chargé d'Affaires of Peru at Santiago, in pursuance of special instructions received, declared some months ago to Your Excellency's honorable predecessor, that the church of Arica had been closed and respectable residents of that city, being deprived since then of the facilities for carrying out their religious practices, had solicited my government to request from that of Your Excellency the enactment of the necessary measures, by the authority of that port so as to remedy the grievance which had been occasioned. He stated, on that occasion, that the fact of the involuntary absence of the parish priest did not excuse the measure which had been taken, because a priest who acted as substitute, resided in Arica.

His Excellency, Señor Balmaceda, promised to secure all necessary information relative to the case, which, apparently, could not have been as complete as the matter called for or sufficient to obtain a decree granting satisfaction for the wrongs inflicted in respect to the church of Arica, as well as those of Estique, Belen, and Codpa, which had been closed previously.

As these conditions still exist, to the evident discomfort of the Peruvian residents of the province of Arica, I am compelled to call Your Excellency's attention to the conduct of the authorities in question, which will undoubtedly be amended upon receipt of the express orders which will be sent by Your Excellency's government relative to this matter.

The Peruvian Government is confident that that of Your Excellency will act in this sense, because the present exceptional system of arbitrary government prevailing therein is quite inadmissible. It was stipulated that those inhabitants should be governed by Chilean laws during the period of occupation, therefore no reason can be imagined to explain the withdrawal, by the local authorities,

of the protection which those same laws are intended to afford. It is evident that to violently deprive a people of the means to carry on their religious practices amounts to the suppression of one of their most elementary and necessary rights.

I must also call Your Excellency's attention to the advisability of not encouraging the schemes for land colonization and those for the creation of the department of Tarata. The latter relates to the effective occupation of part of the province of Tarata, a matter which has previously originated several protests on the part of Peru, founded upon the express tenor of the stipulations of the Peace Treaty, which defined the boundaries of the territory containing the provinces of Tacna and Arica, within which that portion of the province of Tarata referred to above is not included.

The colonization law conflicts in its spirit with the provisions of that treaty in respect to the temporary occupation, because indeed, the mere occupier has no right to dispose of that which does not belong to him, much less so when this occupation may cease at any time, owing to the expiry of the period of occupation. As the possibilities offered by the plebiscite and the expectations of Peru cannot be ignored, it follows that Your Excellency's government may not put into execution any measure whose effects extend into the distant future and which, in the supposition of the continuance of Chilean administration, might be interpreted as a practical admission that those expectations had disappeared.

While presenting these considerations in behalf of my government, which are connected with the interests of Peruvians established in Tacna and Arica, I entertain the hope that Your Excellency will recognize the ample justice of these complaints and that the Chilean Government will, therefore, proceed to take such measures as will protect these rights in the name of which they have been made.

I avail myself of the opportunity to reiterate to you, Mr. Minister, the assurances of my high and distinguished consideration.

M. F. PORRAS.

TO HIS EXCELLENCY, THE MINISTER FOR
FOREIGN RELATIONS OF CHILE.

Nota del Ministro de Relaciones Exteriores del Perú al de Chile, de 30 de septiembre de 1909, quejándose de las medidas de violencia llevadas a cabo en Tacna y Arica. (Boletín del Ministerio de Relaciones Exteriores del Perú, tomo XXXV, pág. 179.)

MINISTERIO DE RELACIONES EXTERIORES,

Lima, 30 de septiembre de 1909.

Señor MINISTRO: El encargado de negocios del Perú en Santiago, cumpliendo instrucciones que especialmente había recibido, expuso, hace algunos meses, al honorable antecesor de V. E. que la iglesia de Arica había sido clausurada y que respetables señoras de esa ciudad, privadas desde entonces de las prácticas del culto, habían pedido á mi gobierno que gestionara del de V. E. la orden conveniente para que las autoridades de ese puerto remediaran el daño causado. Expresó en esa ocasión que la circunstancia de la ausencia obligada del párroco no excusaba el procedimiento seguido, porque existía en Arica un sacerdote llamado á reemplazarle.

El Excmo. señor Balmaceda ofreció pedir los informes del caso, los que seguramente no han sido tan explicativos como era necesario, para determinar una resolución reparadora en lo que se refiere á la iglesia de Arica y á las de Estique, Belén y Codpa, que anteriormente habían sido también clausuradas.

Como esta situación continúa con visible daño de los residentes peruanos de la provincia de Arica, me veo obligado á llamar la atención de V. E. sobre la actitud de las indicadas autoridades, la que sin duda ha de modificarse en virtud de las órdenes expresas que para el efecto imparta el gobierno de V. E.

Cree el gobierno del Perú que el de V. E. procederá así, porque no es admisible el régimen de excepción que allí impera. Fué convenido que esas poblaciones estuvieran regidas por las leyes chilenas mientras durara la ocupación, y no se vislumbra, por tanto, el motivo en que pueda apoyarse la administración local para proceder de manera que de hecho quede retirado el amparo que dichas leyes están destinadas á ofrecer. Es evidente que privar por acto violento á un pueblo del medio de continuar sus prácticas religiosas importa la suspensión de uno de sus derechos más elementales é indispensables.

Debo también llamar la atención de V. E. sobre la conveniencia de no dar curso á los proyectos de colonización de terrenos y

creación del departamento de Tarata. Este último se relaciona con el hecho de la ocupación de una parte de la provincia de Tarata, punto que motivó en época anterior reclamaciones del Perú fundadas en el tenor expreso de la estipulación del tratado de paz, que señaló los límites del territorio de las provincias de Tacna y Arica en que no está comprendida la parte de la provincia de Tarata de que he hecho mención.

La ley sobre colonización es contraria en su espíritu á lo que dicho tratado estatuye al fijar la ocupación temporal, porque, en efecto, el simple ocupante no tiene el derecho de disponer de lo que no le pertenece y mucho menos en circunstancias en que la ocupación puede cesar de un momento á otro por razón de plazo vencido. Como no pueden dejarse de lado la eventualidad del plesbicio y las expectativas del Perú, dedúcese que el gobierno de V. E. no debe poner en práctica una medida destinada á producir su efecto en un porvenir lejano y que, suponiendo la *permanencia indefinida* de la administración chilena, podría interpretarse como la declaración de que esas eventualidades han desaparecido.

Al formular en nombre de mi gobierno estas observaciones, que tienen relación con las intereses de los peruanos radicados en Tacna y Arica, abrigo la esperanza de que V. E. reconocerá la justicia con que han sido hechas y que el gobierno de Chile, en consecuencia, procederá en forma que sean respetados los derechos en que se apoyan.

Aprovecho la oportunidad para ofrecerle, señor ministro, las seguridades de mi alta y distinguida consideración.

M. F. PORRAS.

Al Excmo. señor MINISTRO DE
RELACIONES EXTERIORES DE CHILE.

No. 139

Note from the Minister of Foreign Affairs of Peru, dated December 23, 1909, insisting on his protest and enumerating the abuses committed by Chile. (Bulletin of the Ministry of Foreign Affairs of Peru, vol. XXXV, p. 186.)

MINISTRY OF FOREIGN AFFAIRS,
Lima, December 23, 1909.

SIR:

* * * * *

"The Peruvian workers who, in Arica, earned their living as boatmen or as shore laborers, have been forced to discontinue these trades. Numerous groups of these men have been obliged to emigrate from their native land, where, by degrees and systematically, their fellow-countrymen are deprived of the very right to work, and of the protection of the laws. Foreign merchants deem it inconvenient, or a disadvantage, to employ Peruvians, because these are antagonized in the Customs House; as a general rule, for them to come in contact with a Government official, or with any one who is even remotely connected with the administration, is equivalent to raising obstacles in the carrying on of their business, which are exteriorized in animosity towards and persecution of all persons who desire, at any cost, to maintain their loyalty to Peru.

"The same occurs in Tacna. Factories are being built, or their erection is being contemplated with Government aid, for the purpose of engaging in competition with Peruvian industries already established many years back. It is thought that the object of these measures is to compel the old-established manufacturers to close down their works, throwing their workmen out of employment, who will then be obliged to emigrate. Since these measures do not come under the definition of private competitive initiative, but under that of State-assisted competition, the creation of these industries can legitimately be protested against, since their only purpose seems to be the dispossession of those already established and the ruin or the destitution of the Peruvian families which live thereby.

"The closure of churches is likewise an unprecedented measure."

* * * * *

“The ratifications were exchanged in March, 1884, therefore the expiration of the term agreed upon took effect in March, 1894. There is no question of a minimum; it was a definitely fixed period, at the end of which a plebiscite was to be held, which was not held then nor has it been possible to hold it since, notwithstanding the lapse of so many years, because Chile has refused to agree with Peru respecting the rules which are to govern the carrying out of the plebiscite. Neither has it consented to submit to arbitration the points at issue, which have prevented an agreement whenever conferences on the subject have been undertaken.

“Due to this well-known circumstance, and because the raising of difficulties for the recovery of its provinces could naturally not be imputed to Peru, no one can doubt that the sixteen years of Chilean occupancy, which the treaty never contemplated, are a direct result of the premeditated attitude of Your Excellency's government. This continued occupation, therefore, merely constitutes a fact which implies no responsibility for Peru.

“This state of affairs may end at any moment. Taking this fact alone into consideration and excluding the circumstance that the condition of affairs in March, 1894, is that which legally determines the solution of the problem, it follows that, the holding of the plebiscite being considered imminent, this possibility is incompatible with the political measures which have lately been adopted, since the innovations which have been undertaken or devised would presuppose the possession by Chile of a clear title, by virtue of which she might proceed as best suited her interests, maintaining present conditions, secure from the possibility of all contention.

“But since Chile has no such title, her attitude should be one of preparation for the realization of the plebiscite. She has had, during the ten years to which her tenancy was limited, the opportunity of gaining the sympathies and the attachment of the inhabitants of Tacna and Arica. It is well known that the term of occupation came to an end, and that Chile failed to secure the good-will of the inhabitants, which virtually amounted to a verdict respecting the nationality of the territory. To imagine that by merely delaying the event, in opposition to the constantly expressed intentions of Peru, and, after the lapse of sixteen years, during which the return of the provinces has been in abeyance, to believe that this delay entitles Chile to issue a series of measures all tending to secure a majority of votes in her favor by the substitution of the voting part of the Peruvian population, is a flagrant

distortion of the intention of the framers of the treaty; it is, moreover, an attempt to arbitrarily effect in the space of twenty-five years what could not be accomplished by legal methods in ten.

"That the measures are illegal which have been recently put in practice by the authorities of Tacna and Arica, has been proved by my government at various times. Even under the irregular conditions which obtain in the territory of Tacna and Arica at the present time, and in the supposition that the period of occupation, not contemplated by the treaty, should be regarded as perfectly legitimate, even then it is impossible to maintain that the spirit of the treaty can have been changed owing to the mere passage of time, and that it is now lawful for the occupier to impose on the Peruvian residents, the régime of exclusion which finds concrete expression in their expulsion from their native land.

"It was not thought necessary to include the express stipulation, guaranteeing to the inhabitants of Tacna and Arica the enjoyment of their natural rights, in Clause III of the treaty of Ancon, since this was a logical deduction following the signing of peace terms which followed the state of war, and was also due to the expectations entertained by Peru, derived from the agreement which had been entered into, relative to the decision by vote of the future nationality of the provinces. Between the period of military occupation and the time when the definite sovereignty would be decided, a period of ten years was stipulated, during which the territory was placed under special conditions. This situation is distinguished, in the first place, by the expectations of both parties, and in the second by the Peruvian nationality of the inhabitants, on one hand, and the Chilean nationality of the administration on the other. The presence of these two factors is the reason why it was agreed that Chilean laws should apply in the provinces; but it is also due to these factors that this agreement cannot be interpreted as extensively, and in the same sense, as that possessed by Chilean laws in any of the other provinces which are part of the Chilean nation. There are laws in the absence of which the normal life of a civilized people cannot be conceived. The agreement entered into by both countries referred precisely to such laws, which may be considered indispensable, since they furnish protection and guarantees under normal social conditions; but it did not refer to those possessing political tendencies or to such as were a consequence of the absolute exercise of sovereignty. It would have been extraordinary, for instance, that the inhabitants of Tacna and Arica should have

taken part in the elections to appoint Senators or members of Congress or in the election of the President of Chile, because when they became part of the special régime which has been mentioned above they did not, as a consequence thereof, lose their Peruvian nationality.

"Chile is not only obliged, by the nature of things, to respect the feelings of the people and not to exercise over them any but the ordinary attributes, a consequence of the above-mentioned guarantees, but it is also her duty not to compromise their future nor to definitely dispose of what belongs alone to the real owner of the territory; nor should she pass laws which are not consistent with the transitory character of her occupation.

"For these reasons the projected colonization and expropriation measures are absolutely inadmissible.

"The principal motive seems to have been the substitution of the ownership of property; that is to say, that Peruvian farmers be substituted by those of Chilean nationality. It is very evident, as Your Excellency points out, that 'a change of sovereignty may take place in a territory without thereby adversely affecting the rights inherent to private property, just as the latter may change hands without affecting sovereignty'; all of which, however, has no bearing on the present case.

"The transfer of private property, effected spontaneously, is one thing, but to oblige the owner of an estate to sell against his wishes, not in the interest of the public, but merely so that Chilean residents should settle thereon instead of Peruvians, is quite a different matter.

"Since Chile has never at any time acquired sovereign rights over the territory of Tacna and Arica, it was never expected either that she would ever attempt to put forward pretended patronage rights therein. The insistence with regard to the so-called constitutional confirmation of appointments (*pase*), to enable the priests, nominated by the Bishop of Arequipa, to freely exercise their office, has never been required before, nor did this condition of affairs ever cause any difficulty whatever, because the parishoners of Chilean nationality never considered themselves humiliated thereby. If there should be any humiliation or ill-feeling in evidence today, it should, together with all other difficulties which are the outcome of the present situation, be taken into account as an additional reason for the settlement of the outstanding international problem. Had it been the intention of the negotiators to recognize Chile's right to the above-men-

tioned requirement, they would undoubtedly have specified it in the treaty or they would have established the transfer of the ecclesiastical jurisdiction. Neither one nor the other, however, was mentioned, because both were unnecessary in view of the relative brevity of the period of occupation, and especially owing to its special features.

"This is the interpretation which the Holy See, in its strict impartiality, has given to this point in refusing to entertain, in recent times, the suggestions of the representatives of Your Excellency's government, while the very Chilean authorities have likewise interpreted the matter in this sense, since they abstained from any attempt to violently impose these measures in all the years which preceded the inauguration of the policy of chilenization.

"The closure of the churches throughout the territory has prevented the Catholic inhabitants thereof from carrying out the practices of their religion, thus deeply wounding their religious feelings. The measure affects ecclesiastics who, for many years back, have peacefully exercised their functions; and this has produced the conviction in the minds of those who are wronged by the violent suppression of the comforts of religion, that the reason for this action does not lie in the necessity for this confirmation (pase) but is due to the determination to remove these Peruvian priests who are supposed to be partly responsible for the keeping alive of that patriotic feeling which Chile has not been able to eradicate during thirty years of an absolute government.

"At all events, it is an indisputable though a lamentable fact that the inhabitants of Tacna and Arica are living in a state of interdiction, as far as religion is concerned. They are deprived of one of the essential guarantees necessary to civilization: permission to freely practice their religion, which happens to be the same as that which the State in occupation recognizes.

"Your Excellency believes that it is probable that my government will have been gratified at the bringing into existence of the Department of Tarata, because this measure is called upon to better the general living conditions in the district in question. I would remind Your Excellency that no measure which reveals the evident determination not to carry out the plebiscite, can be gratifying to my government. With reference to this plan, I had the honor of informing Your Excellency that Peru, shortly after the signing of the Peace Treaty, had lodged a protest because the Chilean Government had illegally occupied part of this province

of Tarata. This complaint, which is here renewed, by no means implies, as Your Excellency states, that Peru is in any doubt with regard to the final result of the plebiscite. Such a result would never be in any doubt were the performance to be carried out with the desired honesty; while I might say that the supposition in question can hardly be considered as a sufficiently valid reason in law to condone the occupation of the districts of the Province of Tarata, as it would neither be sufficient to have condoned a more extensive occupation still, had it been effected.

"It is therefore my duty to insist upon the matter contained in my previous communication and to ask Your Excellency to consider the gravity of the measures which the authorities of Tacna and Arica have recently put in force. My government hopes, once again, that notwithstanding the contents of Your Excellency's dispatch, the Chilean Government will correct the abuses which those authorities are committing, will put a stop to the persecution of the ecclesiastics, will withdraw the interdict against the public exercise of Catholic worship, will forbid the systematic hostility directed against Peruvians and will allay public uneasiness caused by the recent legislation, which cannot be explained while the negotiations, undertaken to determine the conditions for holding the plebiscite, are in progress.

"My government is sincerely grateful for the desire expressed by Chile that a condition of close friendship may be brought about with Peru, contained in the concluding portion of Your Excellency's dispatch. This desire is likewise, and most sincerely, ours, which explains why we have omitted no effort and have taken advantage of every opportunity to endeavor to persuade Your Excellency's government that it lies within its power to remove the only obstacle thereto, by strictly carrying out the solemn covenant relative to the fate of the provinces in occupation, and respecting the will of their inhabitants.

"So that harmony may be restored between both countries—so fruitful in advantages to each—Peru, according to the advice tendered by Your Excellency, *must face the facts* (contemplar la realidad de las cosas) or rather, as is apparently implied, must renounce absolutely or in part the rights which are hers. If the facts are such as Your Excellency insinuates, that is to say Chile's irrevocable determination to remain in possession, it would seem as though harmony between both countries and the real cordiality consequent thereon, could only be possible by means of a sacrifice made by Peru alone.

"Your Excellency may rest assured that we shall never voluntarily abandon, whatever the inducement, a territory which is an absolute part of our nation and whose history is bound up with our own ever since we attained our independence. Peruvian national sentiment on this point will never vary, nor can it otherwise reciprocate the constancy and patriotic self-denial of her sons."

"Chile, on the other hand, would not be called upon to make any sacrifice whatever, neither surrendering any of her former territory nor any of that which she secured through the war. She would only be called upon to bow to the conclusive stipulation contained in the written agreement.

"The real cordiality which would then ensue would be solidly founded on justice. These are the lofty aims with which all civilized nations who endeavour to maintain and increase their good repute, are today imbued. Chile likewise must take example therefrom so as to effectively carry out the praiseworthy and final accord, which Your Excellency defines and proposes.

"I am happy to avail myself of this further opportunity to tender to Your Excellency the assurances of my highest and most distinguished consideration."

M. F. PORRAS.

To His Excellency,

The MINISTER OF FOREIGN AFFAIRS OF CHILE.

Nº 139

Nota del Ministro de Relaciones Exteriores del Perú, de 23 de diciembre de 1909, insistiendo en su protesta y enumerando las violencias cometidas por Chile. (Boletín del Ministerio de Relaciones Exteriores del Perú, tomo XXXV, pág. 156.)

MINISTERIO DE RELACIONES EXTERIORES,

Lima, 23 de diciembre de 1909.

Señor MINISTRO:

* * * * *

Los trabajadores peruanos que ganaban en Arica el sustento diario en las faenas del mar ó de playa han sido obligados á abandonarlas. Grupos numerosos de esos trabajadores han tenido que emigrar del suelo donde nacieron y donde paulatina y sistemáticamente se hace perder á sus compatriotas todo derecho al trabajo y al amparo protector de las leyes. Para los comerciantes extranjeros es un inconveniente ó una desventaja tener

empleados peruanos, porque éstos son hostilizados en la aduana y en general donde quiera que hay un agente de la administración ó una influencia derivada de ella, hay también un obstáculo que se traduce en animosidad ó en persecución para los que á todo trance quieren conservar su afecto al Perú.

En Tacna suceden cosas parecidas. Se han fundado ó se proyecta fundar empresas industriales con el apoyo del estado, destinadas á hacer competencia á empresas ó industriales peruanos radicados allí desde mucho tiempo atrás. Se cree que esa competencia traerá por resultado que los antiguos industriales se verán obligados á cerrar sus fábricas, quedando sin ocupación los operarios que emplean, quienes á su vez tendrán que emigrar. Como no se trata de una simple iniciativa privada, sino de la que las autoridades sustentan, cabe señalar como indebida la creación de esas industrias destinadas á desalojar las ya existentes de igual carácter y á provocar la ruina ó el desamparo de las familias peruanas que á su sombra viven.

También es acontecimiento nuevo la clausura de las iglesias.

* * * * *

El canje de ratificaciones tuvo lugar en marzo de 1884. Por consiguiente el período de ocupación en que se convino terminó en marzo de 1894. No fué un *mínimum*, fué un plazo fijo, vencido el cual debió efectuarse el plebiscito, el que no se realizó entonces ni ha podido realizarse después, no obstante los muchos años transcurridos, porque Chile no se ha decidido á ponerse de acuerdo con el Perú para pactar el arreglo plebiscitario ni se ha allanado tampoco á someter á arbitraje los puntos de divergencia que impidieron dicho acuerdo en las ocasiones en que se entabló discusión sobre el particular.

Por este antecedente notorio y porque es evidente que el Perú no podía dificultar por acto propio la recuperación de sus provincias, nadie puede dudar de que los diez y seis años de ocupación chilena fuera de convenio, son efecto de la acción exclusiva del gobierno de V. E. Constituye, por lo tanto, esa ocupación un simple hecho que no produce responsabilidades para el Perú.

Ese hecho puede cesar de un momento á otro. Ateniéndonos á tal consecuencia y sin tomar en cuenta que la situación existente en marzo de 1894 es la que determina legalmente la solución del problema, resulta que debiendo estimarse como inminente la celebración del plebiscito, no es conciliable esta eventualidad con la política adoptada, porque las innovaciones emprendidas ó proyectadas suponen la posesión de un título de que Chile

podría disponer sin posibilidad de contestación alguna, para mantener el estado de cosas actual.

Y desde que ese título no existe, su situación de ánimo debería ser la de considerar que se encuentra en la víspera del plebiscito. Tuvo durante los diez años convenidos el derecho de esforzarse para obtener la simpatía ó adhesión de los habitantes de Tacna y Arica. Bien sabido es que el plazo trascurrió sin que obtuviera esa simpatía, por lo que puede decirse que se decidió entonces virtualmente la nacionalidad definitiva del territorio. Creer, por tanto, por el simple hecho de la postergación en la que el Perú no ha consentido y después de cerca de diez y seis años en que la obligación de devolver Tacna y Arica está en suspenso, creer, repito, que Chile tiene la facultad de dictar medidas tendientes á obtener una mayoría de votos á su causa, efectuando un cambio de población, es desautorizar el pensamiento de los negociadores, es querer realizar por actos arbitrarios, en un espacio de más de veinticinco años, lo que no se alcanzó por actos lícitos en diez.

Que no son actos lícitos los que han practicado en los últimos tiempos los funcionarios de Tacna y Arica, es punto probado por mi gobierno en diversas ocasiones. Dentro de la misma situación irregular en que se encuentra el territorio ocupado, ó sea dentro de la hipótesis de que el período de ocupación no pactado sea perfectamente legítimo, no cabe pretender que el espíritu dell pacto se ha modificado con el tiempo y que hoy es permitido al ocupante someter á los peruanos á un régimen de excepción que se traduce prácticamente por la intención de expulsarlos de su propio territorio.

No se necesitó consignar en la cláusula tercera del tratado de Ancón el propósito del respeto debido á los derechos del conjunto de habitantes de Tacna y Arica, porque eso nacía del estado de paz que sustituyó al estado de guerra y de las expectativas que el Perú conservaba en presencia del compromiso sobre la votación popular. Entre el período de ocupación bélica y el de la determinación definitiva de la soberanía, se pactó el período intermedio de la ocupación por diez años, espacio de tiempo durante el cual quedaba el territorio sujeto á una situación especial. Esta situación está caracterizada, en primer lugar, por las expectativas de una y otra parte; y en segundo, por la nacionalidad peruana de los habitantes, por un lado, y la nacionalidad chilena de la administración, por otro. La existencia de estos dos elementos es causa de que se haya acordado que rigiesen las leyes

chilenas y de que al mismo tiempo sea cierto que esta disposición no puede entenderse en el sentido y la amplitud que tiene la vigencia de esa legislación en cualquiera de las provincias que forman parte de la nación chilena. Hay leyes sin las cuales no se concibe la vida normal de un pueblo civilizado. El acuerdo de los dos países se ha referido á esas leyes, á las que tenían el carácter de indispensables porque significan amparo y garantía dentro del orden social, no á las que tienen carácter político ó á las que podrían desprenderse del ejercicio absoluto de la soberanía. Habría sido inexplicable, por ejemplo, que los habitantes de Tacna y Arica hubieran tomado parte en las elecciones de senadores y diputados y de presidentes de Chile, porque al entrar en ese estado especial antes mencionado no perdieron la nacionalidad que tenían.

Y no solo está obligado Chile por la naturaleza de las cosas á respetar el sentimiento de esas poblaciones y á no ejercer en ellas otras atribuciones que las que se derivan de las garantías aludidas, sino que tampoco puede comprometer su porvenir, disponer á perpetuidad de lo que sólo pertenece al dueño del suelo, ni dictar resoluciones que no se armonizan con el carácter de mero usufructuario.

Por tal motivo, los proyectos de colonización y expropiación son completamente inadmisibles. Y no viene bien á este respecto alegar, como lo hace V. E., el mejoramiento material de las poblaciones y el beneficio que adquirirá el país que resulte vencedor en el plebiscito, porque aparte de que es notorio que el móvil esencial que se persigue no es ese, el sentimiento público de los pueblos de quienes se trata no está de acuerdo con los proyectos en cuestión, y porque en todo caso habría lógicamente que admitir, por lo menos, que iniciándose planes de tanta trascendencia, correspondía también al Perú la facultad de asentir ó no asentir previamente á ellos.

El móvil esencial parece haber sido el de lograr que las propiedades cambien de dueño, es decir, que los agricultores peruanos sean sustituidos por agricultores chilenos. Es evidente, como V. E. lo indica, que "un cambio de soberanía puede operarse en un territorio sin lesionar los derechos de la propiedad privada, así como ésta puede cambiar de dueño sin afectar la soberanía;" pero esto nada tiene que ver con el caso presente. La traslación de la propiedad privada, verificada natural y espontáneamente es una cosa, y otra es la obligación que se imponga al dueño de un fundo para que venda éste, aunque no quiera venderlo, y no

con el objeto de servir el interés público de la localidad, sino únicamente con el de obtener que haya allí cultivadores chilenos en lugar de peruanos.

No habiendo adquirido Chile en ningún momento la soberanía sobre el territorio de Tacna y Arica, no se pensó tampoco nunca en que pudiera pretender el derecho de patronato sobre él. La exigencia del llamado pase constitucional para que los párrocos designados por el obispo de Arequipa puedan ejercer libremente sus funciones, no ha sido puesta en práctica antes, y esta circunstancia no ha producido trastorno alguno, porque los fieles de nacionalidad chilena no se han sentido mortificados por ella. Si mortificación pudiera haber ahora, ésta, como las demás que nacen de la situación actual, debe tomarse en cuenta para poner pronto término al problema internacional que está pendiente. Si la mente de los negociadores hubiera sido establecer el derecho á la exigencia citada, lo habrían indicado así expresamente en el tratado ó habrían estatuido el cambio de jurisdicción eclesiástica. Ni una ni otra cosa han tenido lugar, porque ambas eran innecesarias en virtud de la brevedad relativa del período de ocupación y sobre todo del carácter de ella.

Así lo ha entendido en su austera imparcialidad la Santa Sede, al no aceptar en los últimos tiempos las gestiones de los representantes del gobierno de V. E., y así también lo han comprendido las propias autoridades de Chile al no formular dichas pretensiones con los respectivos actos de fuerza en los años anteriores á la política iniciada con el nombre de *chilenización*.

La clausura de iglesias en todo el territorio ha privado á sus habitantes católicos de las prácticas del culto, hiriendo profundamente el sentimiento religioso en que se inspiran. La medida ha comprendido á párrocos que desde tiempo atrás ejercían tranquilamente su ministerio, lo que hace que entre los que sufren por efecto de la supresión violenta del culto, sea general la idea de que no es el *pase* la causa de la medida, sino la necesidad de alejar á los párrocos peruanos en quienes se supone alguna influencia en orden á ese mantenimiento del sentimiento nacional que Chile no ha podido dominar por medio alguno, en treinta años de administración exclusiva.

Es de todos modos un hecho cierto y lamentable que los habitantes de Tacna y Arica viven bajo un régimen de excepción en materia religiosa. Les falta allí la vigencia de una de las garantías esenciales propias de la vida civilizada: la de practicar públicamente el culto que el mismo estado ocupante ampara.

Opina V. E. que era presumible que mi gobierno recibiera bien la noticia de la creación del departamento de Tarata, porque esa resolución está destinada á mejorar las condiciones generales de la vida en el distrito mencionado. Observo á V. E. que ninguna medida que revele la intención de no efectuar el plebiscito puede parecer bien á mi gobierno. Con motivo de ese proyecto, tuve el honor de hacer presente á V. E. que el Perú había reclamado, poco después de haberse firmado el tratado de paz, por el hecho de haber extendido el gobierno de Chile, sin título alguno, la ocupación á parte de la provincia de Tarata. Esa observación que reitero ahora, no implica, como dice V. E., que el Perú dude del resultado del plebiscito. Tal resultado no sería dudoso si el acto se realizara con la corrección debida; pero este supuesto no funda en derecho la tesis de que la ocupación de los distritos de Tarata es legítima, como no hubiera fundado una expansión mayor si ésta se hubiera verificado.

Cumplo, en consecuencia, el deber de insistir en la gestión entablada en mi anterior comunicación y en pedir á V. E. que se haga cargo de la gravedad de las medidas que recientemente han puesto en ejercicio las autoridades de Tacna y Arica. Mi gobierno espera una vez más, no obstante el contenido de la nota de V. E., que el gobierno de Chile reparará los abusos que esas autoridades están cometiendo, detendrá la persecución contra los párrocos, hará cesar la prohibición del ejercicio público de las prácticas católicas, impedirá la hostilidad sistemática contra los peruanos y calmará la ansiedad pública producida por iniciativas que no tienen explicación al lado de las negociaciones emprendidas para establecer las bases del reglamento plebiscitario.

Agradece mi gobierno muy de veras la expresión del anhelo chileno para llegar á una amistad estrecha con el Perú, expresión á que se contrae la parte final de la nota de V. E. Ese anhelo es también nuestro en condiciones de absoluta sinceridad, motivo por el cual no hemos omitido esfuerzo en toda oportunidad para tratar de persuadir al gobierno de V. E. que está á su alcance el salvar esa única dificultad á que se ha hecho alusión, cumpliendo estrictamente el solemne compromiso relativo á la suerte de las provincias ocupadas, y respetando el voto de sus poblaciones. Para obtener la unión de los dos países, que tan fecunda en bienes ha de ser para ambos, sería necesario por parte del Perú, conforme á la indicación de V. E., que *contemple la realidad de las cosas*, ó mejor dicho, según se da á entender, que renuncie en todo ó parcialmente al derecho que le asiste. Si la realidad de las cosas fuera

como V. E. lo insinúa, esto es, el propósito absoluto de Chile para mantener su posesión, habría que convenir en que el acuerdo de los dos países y su estrecha cordialidad consecuente, sólo serían posibles con un sacrificio exclusivo hecho por el Perú.

Esté persuadido V. E. de que jamás abandonaremos voluntariamente, sea cual fuere el aliciente que se nos ofrezca, un territorio que forma parte integrante de la nación, cuya historia ha sido elemento de la nuestra desde que tuvimos vida independiente. La aspiración nacional peruana no se modificará nunca á este respecto, porque inevitablemente tiene que ser así para corresponder á la constancia y á la abnegación patriótica de sus hijos.

Chile, en cambio, no tendrá que hacer sacrificio alguno, ni de su antiguo territorio, ni del que adquirió en la contienda bélica. Le bastaría inclinarse ante la disposición terminante del pacto escrito.

La amplia cordialidad obtenida así tendría el sólido apoyo de la justicia. En ese noble fin se inspiran hoy todas las naciones civilizadas que se preocupan de mantener y acrecentar su prestigio. En él también debe inspirarse Chile para propender al laudable acuerdo definitivo que V. E. señala y propone.

Me es grato aprovechar de esta nueva oportunidad para ofrecer á V. E. las seguridades de mi más alta y distinguida consideración.

M. F. PORRAS.

Al Excmo. señor MINISTRO DE
RELACIONES EXTERIORES DE CHILE.

Communication from the Chargé d'Affaires of Peru in Santiago to the Minister of Foreign Affairs of Chile, March 19, 1910, communicating the severance of diplomatic relations owing to Chile's refusal to modify her attitude with regard to Tacna and Arica. (Bulletin of the Ministry of Foreign Affairs of Peru, vol. XXXV, p. 196.)

LEGATION OF PERU,
Santiago, March 19, 1910.

Sir: The persistent attempts made by the Peruvian Government in order to induce the Chilean Government to adopt a policy of reparation in respect to the hostilities of which the Peruvian inhabitants of Tacna and Arica have been the victims, have been a complete failure owing to the policy adopted by Your Excellency's government.

The expulsion of priests who, in that territory, were exercising their sacred functions, has recently been carried out in a violent manner.

This action proves that the Chilean Government is resolved to maintain the policy it has adopted, and which tends to systematically extirpate, by acts of force, the Peruvian citizens of the provinces in occupation.

My government, confronted by such a situation, considers it useless to maintain its diplomatic representative in this city any longer, and has therefore ordered me to return to Peru, after leaving on record its protest against the measures to which I have referred above; instructions with which I am hereby complying.

I avail myself of the opportunity to express to Your Excellency the assurances of my most distinguished consideration.

ARTURO GARCIA.

To His Excellency, Sr. AGUSTIN EDWARDS,
Minister for Foreign Affairs of Chile.

Nota del Encargado de Negocios del Perú en Santiago al Ministro de Relaciones Exteriores de Chile, de 19 de marzo de 1910, comunicando la suspensión de las relaciones diplomáticas por haberse negado Chile a modificar su actitud con respecto a Tacna y Arica. (Boletín del Ministerio de Relaciones Exteriores del Perú, tomo XXXV, pág. 196.)

LEGACIÓN DEL PERÚ,
Santiago, marzo 19 de 1910.

Señor Ministro: Han sido infructuosas las perseverantes gestiones hechas por el Gobierno del Perú para que el de Chile se decidiese a iniciar una accion reparadora, con motivo de las hostilidades de que han sido víctimas los habitantes peruanos de Tacna y Arica, en armonía con la política adoptada por el Gobierno de V. E.

Se ha realizado, recientemente, en forma violenta, la expulsión de los sacerdotes que, en dicho territorio, ejercían funciones parroquiales.

Este acto manifiesta que el Gobierno de Chile está resuelto a mantener la actitud que ha asumido y que conduce a suprimir sistemáticamente y por actos de fuerza, el elemento peruano de las provincias ocupadas.

Mi Gobierno, ante semejante situación, considera inútil el mantenimiento de su representacion diplomática en esta capital, y me ha ordenado que regrese al Peru, dejando antes constancia de su protesta por los actos a que he hecho referencia; lo que cumplo por la presente comunicacion.

Aprovecho la oportunidad para expresar a V. E. las seguridades de mi mas distinguida consideración.

ARTURO GARCIA.

El Excmo. señor don AGUSTIN EDWARDS,
Ministro de Relaciones Exteriores de Chile.

Report of the Minister of Foreign Affairs of Peru, July 28, 1911, in which he recounts the serious abuses committed in Iquique, Tacna and Arica, during May of this year. (Bulletin, Ministry of Foreign Affairs of Peru, vol. 43, pp. 13, 14 and 15.)

Notwithstanding the condition of our relations with the Republic of Chile in the past and their condition today, nothing appeared to foreshadow the events which took place last May, of which the hard-working Peruvian colony of Iquique was the target.

From the first days of that month a wave of hostility against Peruvian citizens made itself felt, and continued to increase in volume hour by hour, until it degenerated into a violent outburst directed against the property and the persons of our fellow-citizens.

On the night of the 27th, the mob attacked all Peruvian institutions, and amidst vociferations, volleys of stones and bullets, the coat of arms of the Consulate was torn down, dragged through the streets, and eventually destroyed.

At the instigation of the Committee (Directorio) of the "Patriotic League" (Liga Patriótica) an organization which sprang into existence during those days, a meeting was held on the 28th in the town square of Iquique for the purpose of petitioning the supreme Government of Chile to adopt various measures, all of them harmful to the Peruvian community.

The Peruvian Government, informed of the course of these events as fast as they occurred, and also of the resolutions adopted at the meeting, the principal and only purpose of which was to compel all Peruvians to evacuate the territory of Tarapacá, adopted the necessary measures without loss of time for the repatriation of our citizens, and in consequence thereof great numbers have returned to this country, locating in the various seaports of the coast, but mainly in the cities of Arequipa and Lima.

The false report which was deliberately disseminated in Iquique, respecting an alleged attack upon the Chilean Consulate at Callao, and of the outrage of which the Consul of that nation, including his family, was supposed to have been the victims, disturbed the crowds to such an extent that they demanded the immediate withdrawal and the cancelling of our Consul's *exequatur*, while the

latter, with no protection for his person, once his office and private residence had been invaded, was forced to take refuge in His Brittanic Majesty's Consulate, whence the people attempted to seize him, though this was prevented by the troops which were guarding the house where this office was located.

Both this circumstance and the desire to enable the local authorities to make use of the men guarding the British Consulate, by distributing them throughout the city, thereby insuring the safety of the Peruvian inhabitants, compelled our Consul-General to leave Iquique, acting therein on the advice of His Brittanic Majesty's Consul and Vice-consul, and the reiterated warnings of the authorities.

Due to this reason, and upon having carried out the usual formalities, he delivered the Peruvian Consulate and its archives to the first of the above-mentioned officials, entrusting to his care, likewise, the protection of the persons and property of Peruvian citizens; and this is a fitting opportunity for me to publicly express the gratitude of the Supreme Government of Peru to this distinguished official, for the judicious manner in which he discharged the onerous duties confided to his care.

It would be exceedingly difficult if not impossible to exactly determine the true and inner cause of these occurrences. A reason might perhaps be found in the jealousy, occasioned by the natural industriousness of our compatriots, appropriately fanned and worked upon at a psychological moment, during a period of strained international relations.

The Chilean Government, through its Consul-General, informed the Peruvian Government that it regretted those occurrences, and promised to punish those responsible for them; adding, that it had commissioned one of the members of the Court of Appeals of Tacna, to institute the proper criminal proceedings.

The demonstrations which took place in Iquique against Peruvian residents here, had a well-timed echo in Tacna and Arica, where the same intentions and the same purposes which inspired the organizers of the meetings of the enemies of Peru at that port, prompted those in the provinces in occupation to marshal against our citizens in those territories all the Chilean elements which are always prepared for such deeds.

The disgraceful scenes of Iquique were repeated in Tacna and Arica; the Peruvian Club and the newspaper publishing offices which, until that time, had brought to our fellow-citizens news from the fatherland, were completely destroyed, and Peruvian interests of every kind suffered very serious loss.

The Peruvian Government, deeply compassionate, did everything possible to alleviate their great affliction, and hereby solemnly protests against such crimes, for which, as yet, no satisfaction has been given.

* * * * *

Nº 141

Memoria del Ministro de Relaciones Exteriores del Perú, de 28 de julio de 1911, en la parte en que da cuenta de los graves atropellos cometidos en Iquique, Arica y Tacna, en mayo de ese año. (Boletín del Ministerio de Relaciones Exteriores del Perú, tomo 43, págs. 13, 14 y 15.)

No obstante el estado en que se encontraban y se encuentran actualmente nuestras relaciones con la República de Chile, nada hacía presumibles los acontecimientos que se desarrollaron en el mes de mayo anterior y que tuvieron por blanco á la laboriosa colonia peruana de Iquique.

Desde los primeros días de ese mes, se dejó sentir una corriente hostil al elemento peruano, que fué acentuándose por momentos, hasta degenerar en ataque violento á las propiedades y en insultos á las personas de nuestros connacionales.

En la noche del 27, las turbas atacaron las instituciones peruanas y, entre gritos, pedradas y balazos, arrancaron el escudo de la oficina consular, que fué, después, arrastrado y destrozado en las calles.

A iniciativa del Directorio de la "Liga Patriótica," sociedad organizada en esos días, se efectuó el 28 un meeting en la plaza principal de Iquique, con el objeto de pedir, al Supremo Gobierno de Chile, la adopción de diversas medidas, todas ellas dañosas para la colectividad peruana.

Instruído el Gobierno de tales hechos, á medida que se iban realizando, y de las conclusiones del meeting, cuyo objeto principal y único era obligar á los peruanos á evacuar el territorio de Tarapacá, adoptó, sin pérdida de tiempo, las medidas necesarias para la repatriación de nuestros connacionales; y, como consecuencia de esas medidas, han regresado al país muchos de ellos, diseminándose en los puertos de la costa, y principalmente en las ciudades de Arequipa y Lima.

La falsa y calculada noticia, que se hizo circular en Iquique, del ataque al Consulado de Chile en el Callao y de los supuestos vejámenes y atropellos de que se dijo habían sido víctimas el Cónsul de esa nación y hasta su familia, excitaron á las turbas, que

exigían el inmediato retiro y la cancelación del exequátur de nuestro Cónsul, quien, sin garantías para su persona después de asaltada y abaleada su oficina y casa particular, se encontraba asilado en el Consulado de Su Majestad Británica, de donde pretendió extraerlo el pueblo, lo que fué impedido por la tropa que custodiaba la casa que le servía de alojamiento.

Tanto esta circunstancia, como la de facilitar á la autoridad local el poder disponer de la fuerza que resguardaba el Consulado inglés, para que fuese distribuída en la ciudad y diese garantías á los habitantes peruanos, obligaron á nuestro Cónsul General á abandonar Iquique, acatando, á la vez, el consejo de los señores Cónsul y Vicecónsul de Su Majestad Británica y las indicaciones repetidas de la autoridad.

Con tal motivo, y previos los trámites de estilo, hizo entrega del Consulado del Perú y de su archivo, al primero de los funcionarios indicados, encargándole, al mismo tiempo, la protección de las personas y propiedades peruanas; y esta es precisamente la oportunidad en que debo hacer solemnemente público el agradecimiento del Supremo Gobierno del Perú á tan distinguido funcionario, por la manera acertada con que ha llenado las labores que se le encomendaron.

Difícil, si no imposible, sería determinar con precisión la causa real y verdadera de estos hechos. Acaso si pudieran encontrar un pretexto en el celo despertado por la genial laboriosidad de nuestros compatriotas, explotado en momento de difíciles relaciones internacionales.

El Gobierno de Chile, por conducto de su Cónsul General, manifestó al Gobierno del Perú que lamentaba esos acontecimientos, prometiendo castigar á los responsables, y exponiendo que había comisionado á uno de los miembros de la Corte de Apelaciones de Tacna para que iniciara el sumario correspondiente.

Las manifestaciones realizadas en Iquique contra los peruanos residentes en ese lugar, tuvieron repercusión calculada en Tacna y Arica, en donde la misma inspiración y los mismos propósitos que indujeron á los organizadores de los meetings peruanóforos de aquel puerto, impulsaron á los enemigos del Perú en las provincias cautivas á mover contra nuestros connacionales de esos territorios todos los elementos chilenos que hay siempre preparados para tal objeto.

Reproducidas en Tacna y Arica las vergonzosas escenas de Iquique, el Club peruano y las imprentas, que hasta esa época

habían llevado á nuestros connacionales las noticias de la Patria, fueron totalmente devastadas, sufriendo muy graves perjuicios los intereses peruanos de todo orden.

El Gobierno, con la más profunda simpatía, ha procurado atenuar tan grandes desgracias, y protesta solemnemente contra tales delitos, que no han recibido hasta el día la sanción que corresponde.

No. 142

Circular of the Minister of Foreign Affairs of Peru, December 2, 1918, relative to abuses committed towards the end of that year.

MINISTRY OF FOREIGN AFFAIRS,

Lima, December 2, 1918.

The Government of Peru, in the discharge of an imperative duty, imposed upon it by national dignity, has ordered, as I have already opportunely informed you, the withdrawal of its consular agents accredited to the Republic of Chile, from which, due to similar considerations, its diplomatic representatives were withdrawn in 1910.

The government to which you are accredited, is doubtless familiar with the antecedents respecting the relations between Peru and Chile, and the process of the international negotiations consequent upon the liquidation of the War of 1879, due to which Chilean forces effected the conquest of territories belonging to Bolivia and Peru, and imposed upon our country, in 1883, a treaty which the conqueror has refused to carry out.

Peru was involved in this unequal struggle, by loyally discharging the stipulations of a treaty of defensive alliance, concluded in 1873, with the Republic of Bolivia, a treaty which was open to the adhesion of all the other countries of America, for the purpose of maintaining the principle of territorial integrity of these nations, invariably proclaimed by my country from the time of its independence. Peru had no boundary disputes to settle with Chile, and in order that the conquest of its department of Tarapacá, rich in nitrates, might be effected, Chile, which had accumulated vast stores of arms for several years, was obliged to first wrest from Bolivia her entire coastline, converting this republic into an inland nation.

From that moment there sprang into being a disquieting system of political balance of power for the American nations, based upon the development of progressive armaments, which have wasted so much useful energy in these young countries.

Going beyond the limits stipulated by that treaty, which she imposed at the sword's point, Chile has occupied not only the department of Tarapacá and the provinces of Tacna and Arica,

where a plebiscite should have been held in 1894, but she has also spread her control to include a portion of the province of Tarata, which is not even mentioned in the treaty; while the efforts made by Peru for more than twenty years have been unavailing to bring her former adversary to an honest settlement of the unsolved controversy.

Meanwhile, the Peruvian inhabitants of the territories in occupation by Chile, have been the ones to suffer all the effects of the fitful and protracted diplomatic dispute between the two countries, owing to the inauguration of the so-called *Chilenizing* campaign, which has included in its action unheard-of abuses, exemplified by the closing of the schools and Peruvian newspapers, by expulsion from the captive provinces of all ecclesiastics of our nationality; by the boycott of the dock laborers, fishermen, and boatmen of the port of Arica; by the forcible impressing of young Peruvians into the army, and by the putting into practice of every imaginable measure calculated to destroy—without success be it said to our pride—Peruvian national sentiment in those territories.

The prevalence of such harsh and arbitrary conditions, periodically intensified, brought about the first severance of diplomatic relations in 1901, which kept the two countries with no representatives of that kind in either nation until 1905; the same situation arising in 1910, which has endured to this day.

The rejoicing with which Peru learned of the triumph of Justice and Right, won for the world on the fields of Europe by the Allied Nations and the United States of America, with whose cause our country enthusiastically sympathized, and the opinions which have been current in this country, to the effect that the questions which are to be solved on this continent must be submitted to the principles enunciated by President Wilson, as criterions of international jurisprudence, have had the effect of stimulating Chilean enmity and of provoking a new crisis in the relations between the two peoples, which has culminated in the unprecedented expulsion, *manu militari*, of the Peruvian Consul at Iquique, the capital of Tarapacá, which in turn determine the step taken by the government, which is the motive for the present communication.

I shall proceed to treat of the recent occurrences and of the attempt to alter their true significance, which the government considers essential should be brought to the attention of the government to which you are accredited.

It must first be clearly understood that the recent outrages committed against the Peruvian population, have occurred in Pisagua, but specially in Iquique, the two chief ports of the former Peruvian department of Tarapaca (today the Chilean province of that name); This is necessary in order to avoid the confusion which might arise owing to the declarations of consular agents residing in Tacna and Arica, which show that in these Peruvian provinces, likewise occupied by Chile, no abuses have been committed against Peruvians.

Owing to the fact that Tacna and Arica are usually mentioned abroad in a generic sense, when referring to the question at issue between Peru and Chile, it is important to point out the difference existing between the territory of these provinces and that of the department of Tarapacá, whose capital is Iquique, so that it may not be thought that the assurances of undisturbed public peace in Tacna and Arica disprove the unimpeachable evidence of the serious loss and harm which the Peruvian residents of Pisagua and Iquique, and even those residing in Antofagasta, have suffered in their persons and their property at the hands of the Chilean inhabitants; while the authorities, maintained by Chile in those places, failed to immediately provide, as was their duty, those guarantees which the Chilean constitution and laws, as occurs in other civilized countries, grant to all the inhabitants of a territory, under their jurisdiction.

About the last days of October, signs of anti-Peruvian propaganda were noticeable in the department of Tarapacá, the originators of which were one of the Representatives from that department, Sr. Anselmo Blanlot Holley,—well known as one of the most intolerant collaborators, of the Governor (intendente) of Tacna, Sr. Maximo R. Lira, in his campaign of *Chilenization* of the captive provinces; the Mayor of Iquique; the Presiding Judge of the Court of Appeals; some military chiefs and other persons holding official positions. Owing to these circumstances, as well as to the notorious nature of the enterprise they were effecting, it was impossible for the chief authorities of Iquique not to have been cognizant thereof. Nevertheless, nothing was done to prevent or restrain these activities, which justifies the assumption that these authorities not only tolerated, but even supported and encouraged them.

The attacks, begun on the second of November, at Iquique and Pisagua, continued subsequently at Antofagasta, and which culminated in the stoning of the dwellings of many Peruvians,

were but the prelude of what was being actively prepared in Iquique and which reached its height on the Saturday night, the 23d, and Sunday morning, the 24th of last month, when the rabble of the port, led by well-known ringleaders and excited by the violent speeches of several agitators, ransacked stores and private dwellings of many Peruvians, completely ruining them, and assaulted and mistreated any of these who happened to come within their reach, while the police, who were witnesses of the whole performance, did nothing to prevent it; and when the Peruvian consul, Sr. Santiago Llosa Arguelles, left his office to go to the Government House (Intendencia) to demand guarantees for our citizens, he was seized by a group of five civilians, well-known for their aggressive character, who forced him to enter an automobile, and after gagging him and threatening him with death, took him to the wharf and placing him in a boat, took him on board the Chilean steamer *Palena*, which on that same day was due to sail for Callao, en route to Panama. All this happened in the presence of numerous persons and police officials, who unconcernedly witnessed the whole scene, evidently obeying instructions previously received.

Once on board the *Palena* Sr. Llosa was informed by the Maritime Governor of Iquique, Commander Ruben Morales, and by the Second in Command of the Granadier Regiment, Major Anibal Parada, that he would be allowed to send ashore for his baggage but that he would not be permitted to land, because such was the decision of the people of Iquique. The Consular Office, together with the archives, were left uncared-for, as was the wife and young children of the Consul.

Such unheard-of outrages could not be passed by in silence, and in a telegram which I sent to the Minister of Foreign Affairs of Chile, on the 25th, I made the following statements:

"Laboring under the most painful impression caused by the unprecedented outrage, perpetrated against the person of the Consul of Peru at Iquique, who was expelled by a mob, which was seconded by the political and maritime authorities of that port, I protest, in the most emphatic manner, against such occurrences on behalf of my government, who has ordered the withdrawal of its consular agents from Chile, where they are not even afforded the protection which is due to them."

In his telegraphic reply of the following day, the Minister of Foreign Affairs makes the following statements:

"I greatly deplore that incorrect information should have in-

duced the Government of Peru to ascribe to the political and maritime authorities at Iquique a disregard of their duties, in the occurrences of the 23d, a disregard which has never existed nor appears probable under any circumstance whatsoever.

"Peruvian Consul at Iquique went aboard following an agreement with his friends, and without the knowledge of the authorities.

"I peremptorily reject the unjustified imputation that assistance was given to the mobs.

"If, during the course of the public meetings held, the proceedings were disturbed by unknown foreign elements, recently arrived in town, and then became, at a given moment, disorderly, the disturbance was promptly suppressed by the Political Authority.

"Former outrages committed against Chilean consuls in Peru, may have excited Chilean feeling at Iquique, which may also be due to inaccurate and unnecessary cable information sent by the Peruvian consul at Iquique.

"This fact induced my government, before the incidents occurred, to summon the Consul-General of Peru in Valparaiso, requesting that the Letters Patent of the Consul at Iquique be revoked and my government regrets not to have taken this step before the 25th inst.

"The Consuls of Peru are granted in Chile all the guarantees which are assured by our laws to all foreigners.

"The above explanation proves that the protest of the Peruvian Government is absolutely unjustified."

The version contained in the telegram of the Minister of Foreign Affairs of Chile, quoted above, in respect to the extraordinary departure of Consul Llosa, is so improbable, that it can only be explained by the nature of the information which the Chilean Government must have received from the authorities at Iquique.

Señor Llosa could not leave his post because he had neither requested nor received permission from this Department to do so; and it will be readily understood that if he had indeed voluntarily undertaken the journey, he need not have abandoned both the consular office and even his own family; while in no way but as an offensive and ill-timed sarcasm—which I prefer not to attribute to the Minister for Foreign Affairs of Chile but to the authorities at Iquique—can those who assaulted and outraged him be termed "friends of the consul"; who threatened him with death, and forcibly put him on board, where the behavior of the Maritime Governor, Morales, and that of Major Parada, amply confirmed

the complicity of the authorities in the criminal conspiracy against the Consul.

In order that no doubt should be left regarding the conditions under which Consul Llosa was put on board, orders were given that as soon as the steamer *Palena* should reach Callao, depositions should be taken from the Captain and the Purser. This was done on Thursday the 28th of last month, the depositions being signed by the captain of the vessel, Señor R. Mathias, and the purser, Señor Esteban Perez, in which the former declares in reference to the embarkation of Señor Llosa, "that the Maritime Governor alone handed him over and that he took him to the upper saloon on the express orders of the Governor, so that no one should disturb him."

It should be remembered that the *Palena* belongs to the South American Steamship Company (Compañía Sudamericana de Vapores) a Chilean Company; that Captain Mathias is a British subject, and the purser a Chilean citizen.

We therefore have the material evidence, since the moral certainty was never lacking, of the share taken by the Chilean authorities in the shameful outrages perpetrated at Iquique against peaceful Peruvian citizens and Consul Llosa.

The Peruvian Government is desirous of conveying through your intermediary, to the government of that country, the accurate information concerning the events and the circumstances leading up to them.

F. TUDELA.

No. 142

Circular del Ministro de Relaciones Exteriores del Perú, del 2 de diciembre de 1918, sobre atropellos cometidos a fines de ese año.

CIRCULAR TELEGRÁFICA A LAS LEGACIONES DEL PERÚ
EN EL EXTRANJERO

MINISTERIO DE RELACIONES EXTERIORES,
Lima, 2 de diciembre de 1918.

Cumpliendo deber ineludible, impuesto por la dignidad nacional, el Gobierno del Perú, como he tenido ya oportunidad de informarle, ha ordenado el retiro de sus funcionarios consulares acreditados en la República de Chile, de la que retiró, por análogas consideraciones, su representación diplomática en 1910.

No son desconocidas, seguramente, por el Gobierno ante el

cual está usted acreditado, los antecedentes de las relaciones entre el Perú y Chile, y el proceso del debate internacional mantenido al rededor de la liquidación de la guerra de 1879, en que las armas chilenas realizaron la conquista de territorios pertenecientes a Bolivia y al Perú, imponiendo a nuestro país, en 1883, un tratado que el vencedor no ha querido cumplir.

El Perú fué arrastrado a la desigual contienda, obedeciendo lealmente las estipulaciones de un pacto de alianza defensiva con la República de Bolivia, celebrado en 1873, pacto abierto a la adhesión de los demás pueblos de América, con el objeto de mantener el principio de la integridad territorial de estas naciones, proclamado invariablemente por mi país, desde su independencia. El Perú no tenía fronteras que arreglar con Chile, y para que la conquista de su rico departamento salitrero de Tarapacá pudiera efectuarse, fué preciso que Chile, que había acumulado en varios años crecidos armamentos, arrebatara a Bolivia todo su litoral, convirtiendo en nación mediterránea a esta última República.

Desde entonces surgió para los Estados americanos un régimen inquietante de equilibrio político, fundado en el desarrollo de los progresivos armamentos, que ha esterilizado tantas provechosas energías en estos pueblos jóvenes.

Avanzando más allá de los límites señalados en el tratado que dictó con la espada, Chile ocupó, no sólo el departamento de Tarapacá y las provincias de Tacna y Arica, en las que debió realizarse un plebiscito en 1894, sino que extendió su dominio sobre parte de la provincia de Tarata, no mencionada en el pacto, sin que los esfuerzos realizados por el Perú, durante más de veinte años, redujeran a su antiguo adversario, a la honrada solución de la controversia pendiente.

Entre tanto, los pobladores peruanos de los territorios ocupados por Chile, han experimentado todas las repercusiones del accidentado debate diplomático entre los dos países, habiéndose desenvuelto la titulada campaña chilenizadora hasta los extremos de la más inaudita violencia, clausurándose las escuelas y los diarios peruanos, arrojándose de las provincias cautivas a los párrocos de nuestra nacionalidad, boycoteando a los gremios playeros en el puerto de Arica, persiguiendo a los jóvenes para el enrolamiento militar forzoso y realizando todos los procedimientos imaginables para destruir—sin lograrlo para orgullo nuestro—el sentimiento nacional peruano en esos territorios.

Tales situaciones de fuerza, periódicamente acentuada, determinaron, en 1901, la primera ruptura de relaciones diplomáticas,

que mantuvo a ambos países sin representación recíproca de ese carácter hasta 1905, para producirse de nuevo la misma interdicción en 1910, la que se mantiene hasta hoy.

El júbilo con que el Perú ha recibido el triunfo de la justicia y del derecho alcanzado para el mundo en los campos de Europa, por las Naciones aliadas y por los Estados Unidos de América, con cuya causa se solidarizó nuestro país ardientemente, y las apreciaciones que aquí se han hecho, en el sentido de que las cuestiones por resolver en este Continente habrán de someterse a los principios enunciados por el Presidente Wilson, como normas definitivas de jurisprudencia internacional, han tenido la virtud nueva de despertar contra el Perú el enojo chileno, provocando una crisis en las relaciones de ambos pueblos, que ha culminado en los hechos sin precedentes, de la expulsión *manu militari* del Cónsul peruano en Iquique, capital de Tarapacá, determinando la medida dictada por el Gobierno, que motiva la presente comunicación.

Paso a ocuparme de estos últimos acontecimientos que se ha tratado de desnaturalizar, y que el Gobierno juzga que es indispensable sean debidamente apreciados por el Gobierno ante el cual está usted acreditado.

Debe quedar, ante todo, bien establecido, que los nuevos atropellos contra la población peruana, se han realizado en Pisagua, y especialmente en Iquique, que son los principales puertos del antiguo departamento peruano (hoy provincia chilena) de Tarapacá, para evitar la confusión que pudieran producir en el criterio universal, las certificaciones de los agentes consulares residentes en Tacna y Arica, que acreditan que en estas últimas provincias peruanas, también ocupadas por Chile, no ha habido ataque alguno a peruanos. Como en el exterior se habla genéricamente de Tacna y Arica, al referirse a la cuestión territorial pendiente entre el Perú y Chile, hay que hacer notar la diferencia entre el territorio de esas provincias y el departamento de Tarapacá, cuya capital es Iquique, para que no se crea que las certificaciones de tranquilidad pública en Tacna y Arica, desautorizan la evidencia incontrastable de los clamorosos atentados que los peruanos de Pisagua e Iquique, y aún los residentes en Antofagasta, han sufrido en sus personas y bienes, de parte de los pobladores chilenos, sin que las autoridades que Chile mantiene en esos lugares se dieran prisa por cumplir el deber de hacer efectivas las garantías que la constitución y las leyes chilenas, al igual de las de los pueblos civilizados, conceden a todos los habitantes del territorio sometido a su jurisdicción.

Desde los últimos días de octubre, pudieron advertirse manifestaciones de la propaganda antiperuana que se realizaba en el departamento de Tarapacá y de la que aparecían como dirigentes uno de los diputados por ese departamento, don Anselmo Blanlot Holley, conocido como uno de los más intransigentes colaboradores del intendente de Tacna, don Máximo R. Lira, en su campaña de chilenización en las provincias cautivas; el alcalde de Iquique; el presidente de la Corte de Apelaciones; jefes militares y otras personas de posición oficial. En esta circunstancia, así como la notoriedad de los trabajos que llevaban a cabo, era imposible que las autoridades superiores de Iquique lo ignorasen; sin embargo, nada hicieron para detenerlos o contrarrestarlos, lo que justifica la suposición, no sólo de que los toleraban, sino aún de que los apoyaban y estimulaban.

Las agresiones iniciadas el 2 de noviembre en Iquique y Pisagua, proseguidas después en Antofagasta y que terminaron con el apedreamiento de las moradas de muchos peruanos, no fueron sino el prólogo de lo que se preparaba activamente en Iquique, y que hizo crisis en la noche del sábado 23 y en la mañana del domingo 24 del mes próximo pasado, en que el populacho de ese puerto, encabezado por conocidos elementos maleantes de esa localidad, y excitado por violentas arengas de varios agitadores, saqueó los establecimientos comerciales y casas particulares de muchos peruanos, arruinándolos por completo, y agredió y maltrató a cuantos se pusieron a su alcance, sin que la policía, que presenciaba todo, hiciera lo menor para impedirlo; y cuando el Cónsul del Perú, don Santiago Llosa Argüelles, salió de su oficina para dirigirse a la Intendencia a pedir garantías para nuestros compatriotas, fué secuestrado por un grupo de cinco individuos civiles, conocidos por su carácter agresivo, que, por la fuerza, le hicieron subir a un automóvil y, después de amordazarle con un pañuelo, y con amenazas de muerte, le condujeron al embarcadero y poniéndolo dentro de un bote, le llevaron a bordo del vapor chileno *Palena*, que el mismo 24 debía zarpar para el Callao, en viaje a Panamá. Todo esto ocurrió a presencia de numerosas personas y de agentes de policía que contemplaban impasibles los hechos, obedeciendo, sin duda, a la consigna que tenían recibida.

Una vez a bordo del *Palena*, el señor Llosa fué notificado por el gobernador marítimo de Iquique, capitán de navío don Rubén Morales, y por el segundo jefe del regimiento "Granaderos," mayor don Aníbal Parada, que podía mandar a tierra por su equipaje, pero que no se le permitiría desembarcar, porque así lo había

resuelto el pueblo de Iquique. La oficina consular con el archivo quedaba abandonada, y así quedaban también la esposa y los tiernos hijos del Cónsul.

Actos tan escandalosos no podían ser silenciados, y en telegrama que dirigí al Ministro de Relaciones Exteriores de Chile, el día 25, le expresé lo siguiente:

“Bajo la más penosa impresión por el atentado sin precedente de que ha sido víctima el Cónsul del Perú en Iquique, expulsado por las turbas al amparo de las autoridades políticas y marítimas de ese puerto, formulo la más enérgica protesta por tal hecho, en nombre de mi Gobierno, que ha ordenado el retiro de sus funcionarios consulares en Chile, donde no se les otorga la debida garantía.”

En su contestación telegráfica del día siguiente, dice el Ministro de Relaciones Exteriores de Chile, lo siguiente:

“Deploro vivamente que informaciones erróneas hayan inducido al Gobierno del Perú a atribuir a autoridades políticas y marítimas de Iquique, un desconocimiento de sus deberes en el suceso del 23, que no ha existido ni aparece de antecedente alguno.

“Cónsul peruano en Iquique se embarcó en acuerdo con sus amigos, sin conocimiento de las autoridades.

“Rechazo perentoriamente imputación injustificada de amparo a turbas.

“Si en las reuniones públicas habidas, el espíritu pudo ser perturbado por elementos extraños desconocidos y recién llegados a la ciudad, y degenerar en un momento dado en desorden, éste fué prontamente reprimido por la autoridad política.

“Los atropellos anteriores a Cónsules chilenos en el Perú, pudieron excitar el espíritu chileno en Iquique, y estar relacionados con la trasmisión de noticias cablegráficas del Cónsul peruano en Iquique, absolutamente inconvenientes e inexactas.

“Esta actitud indujo a mi Gobierno a llamar antes del suceso al Cónsul General del Perú en Valparaíso, para pedir la cancelación de las patentes del Cónsul en Iquique, y lamenta no haber alcanzado a tomar esta medida antes del 25.

“Los cónsules del Perú encuentran en Chile todas las garantías que las leyes otorgan a los ciudadanos.

“Los antecedentes expuestos manifiestan que es absolutamente injustificada la protesta del Gobierno del Perú.”

La versión contenida en el telegrama del Ministro de Relaciones Exteriores de Chile, que acabo de insertar, sobre la salida intempestiva del cónsul Llosa, es tan inverosímil, que sólo puede

explicarse por la manera como el Gobierno chileno ha sido informado por las autoridades de Iquique.

El señor Llosa no podía abandonar ese puerto porque no había pedido ni recibido de este Ministerio autorización para hacerlo; y es fácil comprender que si voluntariamente hubiera emprendido el viaje, no tenía por qué abandonar la oficina consular y aún su propia familia; y sólo por un irritante e irrespetuoso sarcasmo, que me resisto a atribuir al Ministro de Relaciones Exteriores de Chile, y que no puede ser sino de las autoridades de Iquique, ha podido llamarse "amigos del cónsul" a los secuestradores que lo ultrajaron y que con amenazas de muerte lo llevaron hasta a bordo, donde la actitud del gobernador marítimo Morales y del mayor Parada, confirmó la complicidad de las autoridades en la confabulación criminal contra el Cónsul.

A fin de que no quedara duda alguna de las condiciones en que el cónsul Llosa fué llevado a embarcarse, se ordenó que en cuanto el vapor *Palena* llegase al Callao, se tomara la declaración respectiva del Capitán y del Contador. Esta diligencia se llevó a cabo el jueves 28 del mes último, quedando en ella constancia, suscrita por el capitán de la nave, señor R. Mathias, y por el contador de la misma, señor Esteban Pérez, en que el primero declara, con referencia al embarque del señor Llosa, "que sólo se lo entregó el Gobernador marítimo y lo condujo al salón de arriba para que nadie lo molestara, de orden expresa del señor Gobernador."

Es de advertir que el *Palena* pertenece a la Compañía Suramericana de Vapores, sociedad chilena, que el capitán Mathias es súbdito británico, y el contador Pérez, ciudadano chileno.

Tenemos, pues, la evidencia material, ya que la moral no nos faltó nunca, de la participación de las autoridades chilenas en Iquique, en los vergonzosos atentados contra pacíficos peruanos y contra el cónsul Llosa.

El Gobierno peruano quiere llevar, por intermedio de usted, al conocimiento del Gobierno de ese país la exacta información de los hechos ocurridos, así como de los antecedentes que los han motivado.

Dios guarde a usted.

F. TUDELA.

No. 143

**Telegraphic Circular from the Minister of Foreign Affairs of Peru,
December 28, 1918, relating to the expulsion of Peruvians from
Tarapacá, Tacna and Arica.**

MINISTRY OF FOREIGN AFFAIRS,

Lima, December 28, 1918.

Peru has already, in previous circulars, voiced her protest against the acts of violence perpetrated by Chile against Peruvian residents in Tarapacá, and against the expulsion of our Consul at Iquique by the Chilean authorities; events which originated President Wilson's peaceful move, which Peru received and accepted with sincere gratitude.

The reproof which those outrages gained in the opinion of the world, however, has not deterred the Chilean Government from its policy of systematic persecution against the Peruvian inhabitants of the provinces in occupation, and even against those in Antofagasta. From Tacna and Arica, in spite of the cable censorship in force and through the almost impenetrable veil with which the authorities have endeavored to shroud the events which are taking place there, the cries of distress of our persecuted citizens have reached our ears. Chilean mobs, which even include soldiers from the local garrisons, have violently closed all Peruvian buildings and business offices, and many of the latter have been ransacked in Tacna and Arica. Peruvians of high standing are compelled by the Chilean authorities to leave the provinces, after signing written declarations stating that they do so voluntarily. In Tacna and Arica, as in Tarapacá, all Peruvian citizens are legitimate prey for ill-treatment of every kind and unremitting abuse, all with the evident purpose of compelling them to depart through fear.

These measures are put in force merely to prepare the ground for the holding of the only kind of plebiscite which, according to a circular from the Minister of Foreign Affairs of Chile, that country is willing to carry out. The intention of the Chilean Government, in expelling the Peruvian population of Tarapacá "en masse," is confirmed by the advice given to the French Consul, in charge of Peruvian affairs in Iquique, by the authorities of that port, to the effect that the Peruvian Government should charter and send

to Iquique the necessary vessels to take off eighteen thousand Peruvians, the crisis in the nitrate industry being given as an excuse; while a subsequent telegram from that same official informs us that the number of unemployed Peruvians is increasing in such considerable proportions that he requests immediate authority to ship them.

Chile, who in thirty-five years of continued possession of the Peruvian provinces, has not succeeded in weaning the inhabitants from their love of country and their desire to see this territory reincorporated with the homeland, now appeals to the expedient of expelling them from a land which is theirs, as it was before, that of their fathers, compelling them to leave their homesteads and their property. Peru protests to the world against these outrages, which prove the necessity for the return of the occupied provinces to Peru, to which they historically belong; outrages which are being carried out precisely at a time when oppressed peoples are being redeemed and their rights returned anew, and when the conscience of mankind condemns the abuse of Might and demands the establishment of justice in the relations among nations. The Government of Peru desires to bring the contents of this communication, through your intermediary, to the attention of the Government of that country.

ARTURO GARCÍA.

Nº 143

**Circular telegráfica del Ministro de Relaciones Exteriores del Perú,
de 28 de diciembre de 1918, sobre expulsión de peruanos de
Tarapacá, Tacna y Arica.**

MINISTERIO DE RELACIONES EXTERIORES,
Lima, 28 de diciembre de 1918.

El Perú ha elevado ya, en anteriores circulares, su protesta contra los actos de violencia realizados por Chile con los habitantes peruanos de Tarapacá y contra la expulsión de nuestro Cónsul en Iquique por las autoridades chilenas; hechos que motivaron la acción pacificadora del Presidente Wilson, que el Perú recibió y aceptó con agradecimiento.

La reprobación con que esos atentados fueron recibidos en el mundo, no ha detenido, sin embargo, al Gobierno de Chile en su política de persecución sistemática a los habitantes peruanos de las provincias ocupadas, y aún de Antofagasta. De Tacna y Arica, a pesar de la censura cablegráfica y a través del velo impene-

trable con que las autoridades chilenas tratan de encubrir los sucesos que allí se realizan, comienzan a llegar los gritos de angustia de nuestros connacionales perseguidos. Las turbas chilenas, de que formaban parte aún soldados de las guarniciones, han clausurado violentamente todos los edificios y establecimientos comerciales peruanos y muchos de éstos han sido saqueados en Tacna y en Arica. Los peruanos más distinguidos son obligados por las autoridades chilenas a abandonar las provincias, compeliéndoles a firmar declaraciones escritas de que lo hacen voluntariamente. Lo mismo en Tacna y Arica que en Tarapacá, los habitantes peruanos son objeto de maltratos y de constantes vejaciones, con el objeto evidente de atemorizarlos y de provocar su salida.

Estas medidas se encaminan, sin duda, a preparar la realización de ese plebiscito que, según circular del Ministro de Relaciones Exteriores de Chile, estaría ese país dispuesto a celebrar. La intención del Gobierno chileno, de efectuar la expulsión en masa de la población peruana de Tarapacá, está confirmada por la indicación hecha por las autoridades de Iquique al Cónsul francés, encargado de los intereses peruanos en ese puerto, de que el Gobierno del Perú debía fletar y enviar a Iquique los barcos necesarios para la salida de dieciocho mil peruanos, alegando el pretexto de la crisis del nitrato. Y telegrama posterior del mismo Cónsul hace saber, que el número de peruanos sin trabajo crece en proporciones tan considerables, que solicita autorización inmediata para embarcarlos.

Chile, que en treinticinco años que ha estado en posesión de las provincias peruanas no ha logrado modificar en los habitantes el amor a su patria y el deseo de reincorporarse a ella, acude ahora al medio de expulsarlos de un suelo que es el suyo y que antes lo fué de sus mayores, obligándolos a abandonar sus hogares y sus bienes. El Perú protesta ante el mundo contra esos atentados que demuestran la necesidad de que las provincias ocupadas regresen a la patria a que históricamente pertenecen, y que se realizan en momentos en que las nacionalidades oprimidas se redimen y readquieren sus derechos, y en que la conciencia de la humanidad condena los abusos de la fuerza y exige el establecimiento de la justicia en las relaciones entre los pueblos. El Gobierno quiere llevar, por intermedio de usted, el contenido de esta comunicación a conocimiento del Gobierno de ese país.

Dios guarde a usted,

ARTURO GARCÍA.

Circular from the Minister of Foreign Affairs of Peru, January 12, 1919, refuting the Chilean assertions.

MINISTRY OF FOREIGN AFFAIRS,

Lima, January 12, 1919.

* * * * *

THE PRESENT CONDITION OF TACNA AND ARICA

It is not for the purpose of furnishing a pessimistic outlook, since this is unnecessary after a study of the methods employed by Chile in the provinces in occupation, but with the object of making known to the world the events which are taking place in the provinces of Tacna and Arica that we have referred to the oppressive measures which the Chilean Government has done its best to introduce during recent years, disguised as legal administrative acts, but in reality for the sole purpose of persecuting the Peruvian population of these provinces and to compel it to emigrate.

It cannot be contested that as the status of Tacna and Arica has not been finally decided, these provinces have not ceased to be Peruvian; upon what grounds, therefore, does Chile claim that persons born therein are under the obligation of effecting their military service in the Chilean army, when such men are Peruvians both by reason of their origin and because the land wherein they were born has continued to be Peruvian? Can the reason be invoked for considering the provinces to be Chilean territory and for supplanting the nationality of their inhabitants, that Chile has, by right of Might, prolonged her occupation thereof for 25 years over and above the stipulated period? With regard to this imposition, which deeply affects the national sentiment of all Peruvians born in Tacna and Arica, as does the closure of the schools and the expulsion of Peruvian ecclesiastics, it might be pertinent to remind the overzealous defenders of Chilean sovereignty, how tardy seems to be their realization of the limitless jurisdiction which their country should possess. It is now 35 years since the Treaty of Ancon was concluded, but only 9 years since the Chilean Government came to the conclusion that Chilean citizens were being born in Tacna and Arica; that it was its duty

to provide schools, which, up to that date, had existed only because they were supported by the Peruvian Government, which could not endure that its citizens should lack the means of education which the indifference of the Chilean Government neglected to provide for them; that the services of religion were being gratuitously furnished to all parishoners, irrespective of nationality, by Peruvian priests whose stipends as well as the expenses of worship were being defrayed by the Peruvian Government; while the civilizing work of the press was being carried out by three Peruvian newspapers whose important services the Chilean papers, which subsequently appeared, have been unable to replace. For 26 years the patriotic zeal of Chilean officials, their disinterested efforts to secure the progress of the provinces they were governing and the undisguised manner in which they persecuted Peruvian citizens, all failed to enable them to realize, during this lengthy period, the absence of those blessings—up to the present unknown—which it is now asserted those territories have enjoyed owing to the endeavors of Chilean administration.

* * * * *

ARTURO GARCIA.

Nº 144

**Circular del Ministerio de Relaciones Exteriores del Perú, del
12 de enero de 1919, refutando las aseveraciones chilenas.**

MINISTERIO DE RELACIONES EXTERIORES,
Lima, 12 de enero de 1919.

* * * * *

LA SITUACIÓN ACTUAL DE TACNA Y ARICA

No con el propósito de bosquejar un cuadro sombrío, desde que es innecesario porque tal apariencia resulta naturalmente de la contemplación de los manejos empleados por Chile en las provincias cautivas, sino obligados por la necesidad de hacer conocer al mundo lo que pasa con relación a las provincias de Tacna y Arica, hemos hecho referencia a las medidas atrabiliarias que, disfrazadas bajo el manto de actos legales de administración, ha querido implantar el Gobierno chileno en los últimos años; pero en realidad como medios de hostilizar a la población peruana de esas provincias, a fin de obligarla a emigrar.

Siendo notorio que por no haberse resuelto definitivamente la condición de Tacna y Arica, esas provincias no han dejado de ser peruanas, ¿cómo puede pretender Chile que los nacidos en ellas

estén obligados a prestar servicios militares en el ejército chileno, cuando esos individuos son peruanos por su origen y por continuar siendo peruana la tierra en que han nacido? ¿Bastaba para que se considerasen ya chilenas las provincias cautivas y para su plantar la nacionalidad de los naturales de ellas, que Chile, por la razón de la fuerza, hubiera prolongado su ocupación veinticinco años más de lo debido? Contra esta imposición, que venía a herir los sentimientos patrióticos de los peruanos nacidos en Tacna y Arica, como contra la clausura de las escuelas peruanas y la expulsión de los sacerdotes de la misma nacionalidad, cabría observar a los celosos defensores de la soberanía de Chile lo tardío de su convencimiento respecto a la extensión que debían dar a la jurisdicción de su país. Hace treinticinco años que se celebró el tratado de Ancón; y sólo hace nueve que el Gobierno chileno cayó en la cuenta de que en Tacna y Arica habían nacido ciudadanos chilenos; que tenía el deber de sostener escuelas que hasta entonces sólo habían existido porque las pagaba el Gobierno peruano, que no podía conformarse con que sus nacionales carecieran de centros de instrucción que la incuria del Gobierno chileno no les proporcionaba; que el culto se mantenía gracias a los servicios de sacerdotes peruanos que los prestaban gratuitamente a los feligreses de toda nacionalidad, corriendo el estipendio personal de esos sacerdotes así como los gastos del culto por cuenta del Gobierno peruano; y que la labor civilizadora de la prensa se ejercía por medio de tres diarios peruanos cuyos importantes servicios no han podido substituir los periódicos chilenos que eventualmente aparecen. Durante veintiseis años, el celo patriótico de los funcionarios chilenos, su contracción abnegada para conseguir el adelanto de las provincias que administraban y la clarovidencia con que han llevado a cabo la persecución del elemento peruano, nada de esto les permitió darse cuenta, en tan largo período, de que no existían los beneficios hasta ahora desconocidos que se asegura han alcanzado esos territorios por obra de la jurisdicción chilena.

* * * * *

ARTURO GARCIA.

Interviews secured and published by "La Nación" of Buenos Aires, during September, 1919, respecting crimes committed in Tarapacá, Tacna and Arica. (Bulletin of the Ministry of Foreign Affairs of Peru, vol. 63, p. 46.)

INTERVIEW GIVEN BY DR. M. F. PORRAS, MINISTER OF FOREIGN AFFAIRS, TO THE CORRESPONDENT OF "LA NACIÓN" OF BUENOS AIRES. SEPTEMBER, 1919.

* * * * *

Our situation in respect to Chile has not changed since the month of November, which is the time when violent and systematic attacks were undertaken against our countrymen in Iquique, Antofagasta, Tacna, Arica and other places where Peruvian citizens resided.

Many thousands of these countrymen have been compelled to leave the place of their birth, almost all of them absolutely destitute, expelled, maltreated and ridiculed by agents paid expressly for the task.

Patriotic Associations, or rather Committees of Persecution against Peruvians, continue in operation under the protection and encouragement of the Government at Santiago.

During the month of July last, Señor Recaredo Amengual returned to Iquique as Political Authority, where he had previously distinguished himself, in November, by his excessive tolerance towards the authors of the scandalous depredations committed against the property of Peruvian merchants. During that month two additional manifestations of a violent character have taken place there: one on the 9th and the other on the 28th instants.

These manifestations, witnessed by the police, are always the forerunners of assaults, looting and crimes of all kinds, not even women and children being excepted among the victims. These features have also been in evidence during the manifestations of the 9th and 28th of July. The well-known Peruvian resident of Iquique, Manuel Vargas, was beaten to death, and among others I would cite the case of an honorable merchant, Señor Ligorio Ruiz, who owed his safety to the fact of being a good marksman, for, armed with a rifle and stationed on the roof of his house, he kept his numerous assailants at bay for half an hour, after which

he was taken to jail for the crime of having defended himself. Needless to add that, during his absence, his store was ransacked.

The number of Peruvians in the city of Iquique and in the interior of the country is rapidly decreasing. It would seem that the intention is not to allow a single one to remain. One is aghast at the thought of what would have occurred were it not for the protection afforded by the French Consul, the representative at Iquique of that noble nation which has enlightened the history of the world by her unsurpassed examples of abnegation in favor of all great and just causes. Our gratitude for this action will be everlasting.

In Tacna and in Arica, both in illegal occupation and inhabited principally by Peruvians, matters are, if anything, still worse. In neither city is there the steadily observant and impartial presence of a consular agent, to restrain, at certain moments, the fury of the terrorists. Methodical outrage and violence prevail there, as does the sudden intimation to leave the country, issued by the authorities to every resident who is thought to have some influence over the people; and the iniquitous practice, likewise directed against the wretched farmers, of obliging them to chose between selling out their agricultural holdings at a nominal figure or losing them altogether.

With a nation which deliberately organizes such schemes and rejoices therein, believing that it is evolving a clever and profitable business, endeavoring meanwhile to blind the eyes of the world by propagating slanders so as to discredit the protests of its victims, our relations cannot, therefore, be but those which have subsisted for the last ten years; that is, a rupture, which shall not end except when reparations shall have been decreed by international justice, which is still in a formative state, or by any other means in the course of time, owing to the inexorable will which always upholds those peoples who keep alive their self-respect and determination in the midst of the affliction of alien oppression.

* * * * *

Reportaje hecho por "La Nación" de Buenos Aires, en septiembre de 1919, sobre crímenes cometidos en Tarapacá, Tacna y Arica. (Boletín del Ministerio de Relaciones Exteriores del Perú, tomo 63, pág. 46.)

REPORTAJE HECHO AL MINISTRO DE RELACIONES EXTERIORES, DR. PORRAS, POR EL CORRESPONSAL DE "LA NACIÓN" DE BUENOS AIRES.

* * * * *

Nuestra situación con respecto a Chile no se ha modificado desde el mes de noviembre, que fué cuando se iniciaron los ataques violentos y sistemáticos contra nuestros compatriotas en Iquique, Antofagasta, Tacna, Arica, y otros lugares donde residían ciudadanos peruanos.

Muchos millares de esos compatriotas han tenido que abandonar el suelo donde nacieron, casi todos en la más absoluta miseria, expulsados, maltratados y befados por gentes pagadas exprofeso para tal tarea.

Las juntas patrióticas, o mejor dicho, de persecución a los peruanos, continúan funcionando bajo la protección y el estímulo del Gobierno de Santiago.

En el mes de julio último, volví a Iquique como autoridad política el señor Recaredo Amengual, que se distinguió en noviembre anterior por la tolerancia manifestada con los autores de los escandalosos saqueos verificados en las propiedades de los comerciantes peruanos. En dicho mes, han tenido lugar dos nuevas manifestaciones públicas de carácter violento: el 9 y el 28.

Esas manifestaciones, presenciadas por la policía, son siempre anuncios de asaltos, saqueos y de crímenes de toda especie, sin que queden excluidos en el número de las víctimas las mujeres y los niños. Esos caracteres han tenido también los hechos derivados de las manifestaciones del 9 y del 28 de julio. El conocido peruano, vecino de Iquique, Manuel Vargas, fué muerto a palos, y entre otros casos podría citar el de un industrial honorable, don Ligorio Ruiz, que debió su salvación a la circunstancia de ser un eximio tirador, pues armado de una carabina y situado en el techo de su casa, puso a raya a sus numerosos atacantes durante media hora, después de lo cual fué reducido a prisión por el delito de haberse defendido. Es inútil agregar que, en su ausencia, fué saqueado su almacén.

El número de peruanos va reduciéndose con rapidez en la ciu-

dad de Iquique y en el interior. Parece que hubiera el propósito de no dejar allí uno solo. Se espanta el ánimo al imaginar lo que hubiera sucedido si no hubiese surgido el amparo del cónsul francés, representante en Iquique de la noble nación que ha ilustrado la historia del mundo con ejemplos no superados de abnegación en pró de todas las causas grandes y justas.

Nuestra gratitud por este hecho será imperecedera.

En Tacna y Arica, poblaciones peruanas, ocupadas sin derecho, la cosa es peor, si cabe. Allí no existe siquiera mirada severa e imparcial de un funcionario consular, destinada a mitigar en momentos determinados el furor de los matones. Allí imperan el abuso y la violencia metódica, la notificación de expulsión hecha por las autoridades a todo vecino que puede gozar de alguna influencia sobre el pueblo, y la táctica inicua llevada a efecto contra los infelices campesinos, para conducirlos a la ruina u obligarlos a vender a ruín precio la tierra que cultivan.

Nuestra relación, pues, con el país que organiza y se regocija con todo esto, creyendo que hace una obra hábil y provechosa y que trata de ocultarla a los ojos del mundo, inventando calumnias para desvirtuar las protestas de sus víctimas, no puede ser sino la que se mantiene desde hace diez años, esto es, una ruptura que no terminará sino con las reparaciones, determinadas por la justicia internacional en actual formación o alcanzadas de cualquiera manera, con el trascurso del tiempo, por esa voluntad inexorable que acompaña a los pueblos que conservan su entereza en medio de las angustias de la opresión extranjera.

* * * * *

Circular of the Minister of Foreign Affairs of Peru, December 13, 1919, relative to the compulsory military service imposed by Chile upon Peruvians. (Bulletin of the Ministry of Foreign Affairs of Peru, vol. 63, p. 50.)

MINISTRY OF FOREIGN AFFAIRS,
Lima, December 13, 1919.

To the ENVOY EXTRAORDINARY AND
MINISTER PLENIPOTENTIARY OF PERU AT

You are desired to bring to the attention of that Chancery the following statement which is designed to inform the nations of the American countries of a serious event which has just taken place in this portion of the continent and which might perhaps remain unnoticed were it not our intention to make it public.

I have termed it serious, because it is absolutely in conflict with the tendencies prevailing in the world today. It is, however, but one more incident in the history of our relations with the Chilean Republic, or rather, in the sequence of outrages committed by that country for the purpose of attaining the permanent subjugation of the provinces of Tacna and Arica. As I have just remarked, its significance is made more evident when contrasted with that solidarity which has been established among all civilized peoples since the terrible struggle in which militarism and the spirit of conquest were overthrown; when one considers the approaching legal solidarity which the Society of Nations is to bring about and when finally the nature of this latent problem, or conflict which produced it, is analyzed. It is simply on account of that brotherliness which has been or is about to be established in the civilized world, and because of the significance of the present conflict between Peru and Chile, in which the two contrary forces of Might and Right confront one another, that the undersigned Minister has decided to call the attention of the friendly governments of America, not for the purpose of asking for protection, interposition of moral influences or expressions of sympathy, but only to cause the fact itself to be known, to make our protest while showing the scandal which the abuse implies at the present moment.

A consequence of the War of the Pacific, which ended in 1883, brought about, as is well known, the conquest of all the Bolivian seacoast and the imposition, in respect to Peru, of a treaty in which the cession of the immensely valuable department of Tarapacá and the right to a temporary occupation of the provinces of Tacna and Arica for the period of ten years, was stipulated.

When the ten years had expired, Chile would not return those provinces nor would she carry out the plebiscite which was to decide their fate. Twenty-five more years went by and still Chile maintained her attitude unchanged, except in regard to the unfortunate inhabitants of that territory. Having been unable to secure either the consent of our government or that of the people of Tacna and Arica, the Chilean Government decided to adopt the so-called policy of "Chilenization," which consisted in systematic aggressions on Peruvian citizens, in order to compel them to emigrate, while at the same time artificially settling Chilean occupants in those provinces.

As the result did not come up to expectations, the abuses grew in intensity, until in November of last year on the eve of the European Armistice, when the defeat of imperialistic doctrines was clearly foreshadowed, the irresistible desire to definitely blot out the Peruvians who still remained was apparent, while the rabble spread terror in every direction, through pillage and the employment of every kind of outrage, directed against all persons indiscriminately, with no considerations for age or sex, and omitting no crime which human malignity has devised.

The expulsion of every citizen who was thought capable of exerting the slightest influence over his countrymen having been shamelessly decreed; forbidden to engage in any remunerative occupation; with destitution and poverty facing those who still remained, due to the withdrawal of all constitutional guarantees and rights as far as they were concerned; farmers compelled to sell their holdings for nominal amounts or to abandon them altogether, the cities and other towns and villages of Tacna and Arica became, from that moment, the centers of grief and desolation, a condition which has before this been accurately described and is therefore perfectly familiar.

I mention them in this statement as an antecedent which proves the serious occurrences to which I have referred above, and which is the ground for this note.

I would refer to the order given by the Chilean authorities to impress into the military service, as conscripts, those Peruvians

born during the period of occupation and who at present reside in Tacna and Arica.

This gross iniquity, at which on other occasions in the past Chile has demurred, notwithstanding her absence of scruples, is today being unhesitatingly carried out in order to perfect the work of destruction on which she is bent, and which would, without doubt, be successful were it not for the fact that the possibility of an awakening international conscience is already evident in America.

What is the excuse put forward to justify this barbarous enactment? We are at a loss to think of any explanation, as not even the shadow of a right can be imagined to warrant it.

The first title which Chile had to the territory of Tacna and Arica was derived from her military occupation of those territories. As the military occupier, she had the right to appoint authorities and to levy taxes; but she had not the right to turn the Peruvian residents of cities and towns governed by her into Chilean soldiers. When the military occupation ceased, the Treaty of Ancon came into force, and the temporary occupation began, limited to exactly ten years, to be succeeded by the final sovereignty of the country which won the plebiscite. During those ten years, Chile had the right to govern the country, putting in force her own laws to preserve order, and to concede to the inhabitants those usual guarantees which are enjoyed alike by the citizens of the country and by aliens, in every civilized state; but the people of Tacna and Arica, as they had acquired no political rights, could not therefore be compelled to serve in the Chilean army, due to the fact that they were exceptionally situated, owing to the expectation stipulated in the treaty. Chile could not imagine that Peruvians who had reached the military age determined by Chilean laws should join her army because the provinces of Tacna and Arica had not been and could not be incorporated as component parts of the Chilean nation, since the period agreed upon for this contingency had not, as yet, expired, nor can it be conceived that a government should have the right to call to the colors men who do not belong to its political community.

Upon the expiration of those ten years, the temporary occupation, stipulated by the treaty, has been substituted by a *de facto* occupation. This occupation has not been justified by any reason. Chile, a country powerful in a military sense, has resolved upon it merely of her own volition.

Had the plebiscite been held at the time appointed by the

treaty, and under conditions offering adequate guarantees and freedom, as were necessary for the vote to be the real expression of the people's will, there is no doubt that Peru would have been victorious; from which it may be concluded that in March, 1894, Peru virtually acquired the right to recover Tacna and Arica.

It is also, therefore, a positive fact that the time which has elapsed since 1894, far from investing Chile with new rights, has deprived her of those which she had before.

But even disregarding this contention, and admitting, for the sake of argument, that the *de facto* occupation is perfectly legitimate, as Chile has not annexed the territory of Tacna and Arica, the present occupation can only be regarded under two different aspects: as an extension of the temporary occupation, or as a return to military occupation.

In either case, as we have just seen, the measure of the Chilean Government calling to the colors of its country all males born during the occupation, who, being of proper age, had not served before, is illegal.

Chile perhaps may allege "we acknowledge that we have no right to call Peruvians to the colors; but no one has attempted to enroll Peruvians, those born in Tacna and Arica during the last quarter of a century are Chileans because Chile exercises her right of sovereignty therein with no limitations."

Such a conclusion is false in the first place. Chile has no sovereignty over, but merely the government of, the territory, aside from the fact that she exercises this only through an act of force.

In the second place, the children of Peruvian parents are also Peruvian for the same reason that the children of Chileans are likewise Chileans. That is to say, by a voluntary and legitimate action, perfectly natural in a territory whose nationality has not, as yet, been defined; and this is the most favorable supposition which we could accept for the purpose of proving our assertion.

And our assertion is all the more incontrovertible as the facts patently show, with convincing eloquence, the absurdity of the Chilean claim. Young men continually flee from the Peruvian territory in occupation, whenever they are able to do so, to avoid serving under colors which are not their own, which are for them, as they were for their parents, the symbol of foreign oppression, the emblem towards which their deepest rancours are directed.

The Chilean authorities surely cannot believe that a deep affection for Chile will spring up in the breasts of these young

Peruvians merely upon crossing the threshold of the barracks, which is all the more reason why the measure is particularly odious and unendurable. It is indeed a deliberately planned outrage, another example of the series of persecutions put into practice to secure the emigration from Tacna and Arica of those who, by reason of their birth, would have a right to determine their future status in case they were consulted.

It is easy to realize through this statement, the nature of the motives which have inspired the Chilean Government's decision, upon which I have commented, and it is hoped that that Chancery will be so good as to take notice of our protest as an antecedent which it will be necessary to recall when the moment shall have arrived for the Society of Nations to settle the most serious international problem of South America.

M. F. PORRAS.

Nº 146

Circular del Ministro de Relaciones Exteriores del Perú, del 13 de diciembre de 1919, sobre imposición a los peruanos del servicio militar en Chile. (Boletín del Ministerio de Relaciones Exteriores del Perú, tomo 63, pág. 50.)

MINISTERIO DE RELACIONES EXTERIORES,

Lima, 13 de diciembre de 1919.

Señor ENVIADO EXTRAORDINARIO Y MINISTRO Plenipotenciario
DEL PERÚ EN. . . .

Sírvase usted poner en conocimiento de esa Cancillería la siguiente exposición, que está destinada a exhibir ante los países americanos un hecho grave que acaba de ocurrir en esta sección del Continente y que pasaría tal vez desapercibido si no mediara nuestra intención de hacerlo público.

Lo llamo grave, porque es en absoluto contrario a las tendencias que hoy predominan en el mundo. No es, con todo, sino un simple incidente en la historia de nuestras relaciones con la República Chilena, o, mejor dicho, en la historia de los atropellos practicados por ese país con el objeto de alcanzar el sojuzgamiento de las provincias peruanas de Tacna y Arica. Como acabo de insinuarlo, su importancia viene de la solidaridad de hecho establecida entre los pueblos civilizados a raíz de la terrible contienda en que el militarismo y el espíritu de conquista sucumbieron; estimando además la proximidad de la solidaridad legal que la Sociedad de las Naciones ha de traer; y teniendo en cuenta, por último, la naturaleza del problema o conflicto latente dentro del cual

se ha producido. Y es simplemente por esa confraternidad establecida o por establecer en el mundo civilizado y por la significación del conflicto existente entre el Perú y Chile, en el que se encuentran frente a frente los dos elementos opuestos de la fuerza y el derecho, que el ministro que suscribe se decide a llamar la atención de los gobiernos amigos de América, no para pedir amparo, interposición de influencias morales o expresión de simpatías, sino tan sólo para dejar constancia del hecho mismo, acompañando nuestra protesta y señalando el escándalo que en los momentos actuales importa.

La guerra del Pacífico, terminada en 1883, trajo por consecuencia, como es sabido, la conquista de todo el litoral boliviano, y la imposición, con respecto al Perú, de un tratado en el que se consignó la cesión del valiosísimo departamento de Tarapacá y el derecho a la ocupación temporal de las provincias de Tacna y Arica, por diez años. Concluídos los diez años, Chile no devolvió esas provincias ni quiso celebrar el plebiscito que debía decidir de su suerte. Pasaron veinticinco años más sin que tampoco modificara su actitud, salvo en lo concerniente a los desgraciados habitantes de aquel territorio. No habiendo podido alcanzar la aquiescencia de nuestro gobierno ni tampoco la de los tacneños y ariqueños, resolvió adoptar la llamada política de chilenización, que consistió en hostilizar sistemáticamente al elemento nacional a fin de hacerlo emigrar y en introducir forzosamente el elemento chileno.

Como el resultado no llenara sus aspiraciones, las violencias fueron creciendo en intensidad, y en noviembre del último año, en vísperas del armisticio europeo, cuando se vió clara la derrota de la doctrina imperialista, despertóse con ardor extraordinario el deseo de acabar de una vez aniquilando el elemento peruano que aún quedaba, infundiendo por doquiera el terror por medio del saqueo verificado en pandilla y el uso de toda clase de violencias contra las personas, sin distinción de sexo, ni de edad y sin omitir ninguno de los crímenes que la maldad humana ha imaginado.

Decretada descaradamente la expulsión de todo ciudadano a quien se suponía capaz de ejercer alguna influencia sobre sus compatriotas, prohibida toda ocupación remunerativa a los peruanos; provocada, además, la miseria de los que quedaron por medio de la supresión de garantías y derechos para ellos; obligados los campesinos a vender por casi nada sus pequeñas propiedades o abandonarlas del todo, las ciudades y demás poblaciones y caseríos de Tacna y Arica fueron desde entonces fuente de tristeza y

desolación que han sido descritos antes de ahora y que, por consiguiente, son bastante conocidos.

Los menciono en esta exposición como un antecedente que explica el hecho grave a que me he referido y que motiva esta nota.

Se trata de la orden dada por las autoridades chilenas para hacer ingresar a los cuarteles, en calidad de conscriptos, a los peruanos nacidos durante la ocupación y residentes actualmente en Tacna y Arica.

Esta enormidad ante la cual ha retrocedido Chile en otras ocasiones, a pesar de su falta de escrúpulos, se lleva a cabo hoy sin vacilación alguna para consumir la obra de aniquilamiento en que está empeñada y que se llevaría, seguramente a cabo, si no existiera, como existe ya en América, la posibilidad de la conciencia internacional.

¿Cuál es el pretexto que alega para cometer este acto de salvajismo? Imposible es que podamos nosotros decirlo, porque no se vislumbra siquiera el título que pudiera inventarse para justificarlo.

El primer título que tuvo Chile sobre el territorio de Tacna y Arica fué el derivado de la ocupación militar. Como ocupante militar tuvo el derecho de nombrar autoridades y de imponer contribuciones; pero no el de convertir en soldados chilenos a los vecinos peruanos de las ciudades y pueblos que administraba. Terminada la ocupación militar entró en vigencia el Tratado de Ancón y comenzó la ocupación temporal limitada a diez años fijos, a la que debía suceder la soberanía definitiva del país que resultase vencedor en un plebiscito. Durante esos diez años tuvo Chile el derecho de administrar el país, sirviéndose de sus leyes propias para conservar el orden y otorgar a los habitantes las garantías comunes que se conceden a nacionales y extranjeros en todo país civilizado; pero los tacneños y ariqueños, así como no adquirieron derechos políticos, no estuvieron tampoco obligados a servir en el ejército de Chile, y todo esto era porque se hallaban en una situación especial nacida de la expectativa consagrada por el Tratado. Chile no podía pretender que los peruanos que habían cumplido la edad fijada para el servicio militar en las leyes chilenas, ingresaran a su ejército, porque las provincias de Tacna y Arica no habían entrado ni podían entrar a formar parte de la nacionalidad chilena desde que el plazo para que este hecho pudiera realizarse no había vencido, y no se concibe que un gobierno tenga el derecho de llamar al servicio militar a personas que no pertenecen a su comunidad política.

Pasados los diez años, esa ocupación temporal admitida por el Tratado, ha sido reemplazada por la ocupación de hecho. Esta ocupación no ha sido justificada por razón alguna. Chile, país militarmente fuerte, la ha resuelto por un acto de su voluntad.

Si el plebiscito se hubiera efectuado en la época fijada por el Tratado y en las condiciones de garantía y libertad necesarias para que la votación determinara realmente la voluntad popular, no cabe duda de que el Perú habría triunfado, de donde se deduce que desde marzo de 1894 adquirió el Perú, virtualmente, el derecho de recuperar Tacna y Arica.

Es también, por consiguiente, un hecho cierto que el trascurso de los años posteriores a 1894, lejos de haber traído a Chile nuevos derechos, le ha quitado los que antes tuvo.

Pero prescindamos de esta argumentación y admitamos hipotéticamente que la ocupación de hecho sea perfectamente legítima. Desde que Chile no se ha anexado el territorio de Tacna y Arica, la ocupación actual no puede estimarse sino de dos maneras. Como una prolongación de la ocupación temporal o como una regresión a la ocupación militar.

En uno y otro supuesto, como acabamos de verlo, carece de fundamento la disposición de las autoridades chilenas de llamar al servicio militar de su país a todos los hombres nacidos durante la ocupación, que, habiendo cumplido la edad reglamentaria, no hubiesen servido anteriormente.

En Chile se dirá, tal vez: convenimos en que no tenemos el derecho de llamar a los peruanos al servicio militar: pero nadie ha pretendido eso: los que han nacido en Tacna y Arica durante el último cuarto de siglo son chilenos, porque Chile ejerce allí sin limitación alguna el derecho de soberanía.

Esta conclusión, en primer lugar, es falsa. Chile no tiene la soberanía sino simplemente la administración del territorio, aparte de que la tiene de hecho únicamente y por un acto de fuerza.

En segundo lugar, los hijos de padres peruanos son peruanos, por la misma razón que son chilenos los hijos de padres chilenos, es decir, por un acto voluntario y legítimo, perfectamente natural en un territorio cuya nacionalidad no se ha definido, que es el supuesto más favorable que hemos aceptado para el efecto de probar nuestro aserto.

Y nuestro aserto es tanto más inmovible cuanto que están allí los hechos, haciendo ver con absoluta elocuencia el absurdo de la pretensión chilena. Jóvenes que huyen del territorio peruano ocupado siempre que les es posible huir, para evitar el servir a

una bandera que no es la suya, que es para ellos como lo fué para sus padres el signo de la opresión extranjera, el emblema hacia donde se dirigen sus justificados rencores.

No cuentan seguramente las autoridades chilenas con que el patriotismo a favor de su patria va a nacer en el corazón de los jóvenes peruanos al traspasar el dintel de los cuarteles, por lo que la resolución adoptada es particularmente odiosa e inaceptable. Se trata, en realidad, de un vejamen calculado expresamente, de un ejemplo más en la serie de persecuciones puestas en práctica para conseguir que emigren de Tacna y Arica los que por razón de nacimiento tendrían derecho a determinar su suerte futura, si llegara el caso de una consulta.

Es fácil hacerse cargo, mediante esta exposición, de la naturaleza y de los móviles de la resolución del gobierno chileno que he comentado; y seguramente esa Cancillería ha de querer tomar nota de nuestra protesta como antecedente que será preciso recordar cuando llegue el momento de que la Liga de las Naciones ponga término al más grave problema internacional de Sudamérica.

Dios guarde a usted.

M. F. PORRAS.

No. 147

Letter sent from Oruro, January 18, 1919, by the engineer R. L. Valverde to Dr. José Pardo, treating of the serious events which occurred in Tacna with regard to the expulsion of Peruvians.

ORURO, *January 18, 1919.*

Señor JOSE PARDO (President of Perú), *Lima.*

MY DEAR SIR: In reply to your telegram dated the 8th instant and addressed to Arequipa, I beg to submit a detailed statement respecting the mishandling which I have undergone in the city of Tacna.

I shall give you a detailed account of specific acts relative to these abuses, almost all of them carried out by officials, and which, for this reason, imply an unheard of disregard of the Common Law rights of Peruvians residing in the province of Tacna.

On the 24th of December, a mob of more than 200 people, almost all of them in uniforms indicative of various ranks, blocked up the entrance to the house belonging to my family by means of two beams, the mob meanwhile indulging in vociferous abuse and threats against all those who bear my name. The same thing happened with regard to everybody of any standing either social or commercial. A few minutes later the police appeared, who, after taking note of the damage done to the property, which consisted mainly of broken window panes, stated that it was powerless to restrain these excesses because it had received instructions from its superiors to abstain from interference.

At 2 A. M. next day a notice appeared posted on all house doors of the city signed by *El Pueblo* in which a well-known group of Peruvian gentlemen were ordered to leave the city by the 31st of December. The persons thus threatened, among whom I figured, had decided to appeal to the highest authority for protection against this abuse, when we were summoned by the Governor (Intendente) of the Province to appear before him next day in his office.

Interview with the Governor

It happened that I was the second person to be admitted to the office of General Rojas Arancivia, Deputy Governor (Inten-

dente Interino), who was with his secretary Dr. Sanhuesa, the Prefect of Police, Señor Herrera, and the Managing Director of *El Pacífico*, Señor Sabugo. The General, who was angrily pacing back and forth in his office, had the following interview with me during which he never abandoned his threatening and discourteous tone.

The General: Who are you and why are you in Tacna?

Valverde: My name is Roberto Valverde and I am at present Professor in the School of Engineers of Bolivia, an Engineer of the State and I am in Tacna on a visit but obliged to leave within a few days.

General: You will leave to-day, do you hear? I cannot allow you to remain in Tacna. You will leave if only to Arica, but leave you shall to-day. I shall send orders to the authorities there to receive you and to see that you depart. You have nothing to do here.

Valverde: I cannot leave to-day; there are no means of transportation. I cannot possibly leave on foot.

General: Are you acquainted with the Law relative to Residence, published in all the papers of the Province?

Valverde: I am not acquainted with it. I do not read the Chilean press which is very insulting.

General: Here is the law, read it.

Valverde (after perusing it): I am not affected by the restrictions. I am not a conspirator, I have no contagious disease and I observe good moral conduct.

General: Well, you will sign a declaration that you leave of your own free will; that the Government of Bolivia has instructed you to return, for instance.

Valverde: But you are aware that I do not wish to leave and that it is the authorities which force me to depart. I cannot lie.

General: Take this pen and write the letter which I shall dictate.

Valverde claims the right to draft the letter and hands in the following:

"I wish to bring to your notice that I am leaving Tacna under compulsion from the highest Chilean authority."

General: You shall not trick me. You are mistaken (tears up the letter). Unless you sign the letter I shall withdraw all guarantees for your safety and that of your family, and I shall have you imprisoned.

Valverde: You may send me to prison but I cannot lie. (Sub-

mits second draft: "Mr. Governor: I wish to advise you that I am leaving Tacna under compulsion;" this letter is not accepted either.)

General: I shall give you three days to leave Tacna.

Valverde: Gentlemen, I protest against this arbitrariness which obliges me to leave my native land.

General: It is the law which I interpret, it is the law. "I am the law" (extremely angry).

Valverde retires.

Summons from the Prefect of Police and Protest before the French Consul

On Sunday the 29th of December at 8:30 p. m. while in the Hotel Raiteri, I received from the Prefect of Police a letter handed to me by a police officer: as it was neither signed nor bore the seal of the place of origin, I refused to receive it, stating that a high official could not address a private person in this manner. On leaving the hotel two police agents seized my arms and after subjecting me to abuse and attempting to assault me, in the presence of a large group of persons, they obliged me to proceed to the house of General del Canto, where I was informed the Prefect Señor Herrera was waiting to see me. The Prefect of Police asked me whether it was true that I had rejected the summons; I replied in the affirmative, stating that I could not conceive that one of the highest officials of the province should notify me in such a manner, since he could do so by official letter, call upon me personally or notify me properly of any matter which I should be acquainted with. The Prefect replied to these remarks stating that the communication did not proceed from him, that he had, personally, in a carriage called at my residence and that as I could not be found, had ordered that I be called before him so that I might be notified that on the following day, the time limit granted by the Governor would expire. After having protested against the public indignity to which I had been subjected by the police, which I termed a cowardly act, I told the official that I could not leave Tacna for two reasons: first, because to reside in Tacna was a right I could not relinquish, and second, because at the present moment I had not the necessary funds. The Prefect replied agreeing on my definition of the manner in which his agents had acted, reprimanding them in my presence. He then promised me that the authorities would take charge of all the financial impediments to my departure, and even offered to

pay my hotel bill and other personal accounts. I replied that I took it as a very deep offence and that I could not understand why the Chilean authorities were so apparently predisposed to harm me. That I would not leave Tacna and that if the authorities insisted, they could make use of the means at their disposal to compel me to leave the city. I then furnished my home address.

Next day the 30th of December, I visited the French Consulate, where I related to the Consul, Mr. Frank Bebin, the abuses which I had suffered. The French Consul, after listening to my account, was very indignant, saying that he could not understand what purpose these people could have, that they were the Germans of America and that he would sign a declaration certifying to all that had happened both to me and to my expelled fellow countrymen, and he therefore requested the presence of those gentlemen, or in default thereof, persons holding their power of attorney. He likewise advised me to see the other Consuls on the same matter. During these events and while I was leaving the offices of the State Telegraph where I had just left a Petition for Protection (*Recurso de Amparo*) to the Court of Iquique, a police officer notified me that I was to appear before the Governor in his office.

Second Visit to the Governor; Theft of Property and Expulsion

That same day at 5 p. m. I reached the Intendency, where I was received after a short delay. General Rojas Arancivia received me and asked me why I had not left Tacna and what my intentions were. I replied that I had not left the city for the reasons given to the Prefect of Police the previous day. The General, adopting another tone and in a persuasive manner, said: "Why do you not leave Tacna? You had thought of leaving; if it is on account of money, that will be forthcoming" (*Habr  platita*). I replied indignantly to the proposals which were made, adding that in this second interview I was being treated not only discourteously, but in a manner offensive to my dignity as a gentleman and as a Peruvian. The General, after twice putting the question to me whether I would accept his proposition or no, and being answered in the negative, called the Police Commissioner Martinez and said, "I place him under your care and with the instructions I have already given you." I was led by two police officers to a cell in the Intendency. Two hours later, the same Commissioner and two other persons entered the cell and after having me held by the arms, took from me a

gold watch, more than five hundred "pesos" which I carried in expectation of my expulsion, a pocketbook with private papers, a pair of gloves and the key to my residence. At 12 that night a group of ten persons, muffled and wrapped in their "ponchos" (South American capes) formed a double file up to the door of my cell through which I passed into the street. There I found my brother Charles who had been taken under the same violent conditions. These people then led us to the outskirts of the city and on reaching the country house of General Rojas Arancivia, I was made to mount, as was my brother, on horses which were there in expectation of our arrival. One of the men rang the bell and after a few moments shouted: "Ready, General" to which answer was made: "Forward." Captain Rios, of the O'Higgins Regiment, Lieutenant Valle and Sergeant Canales of the Lancers Regiment with two soldiers, all in uniform excepting their caps, led us to the frontier of the Sama. While in the desert the most offensive epithets against our persons and our country were directed against us in an endeavor to incite us to retaliate, but due to having made no response to these provocations, we were able to reach the River Sama at 7 in the morning, with no further incident to complain of. Here we were obliged to remove our shoes to wade the river, communicating with Señor Carlos Guillermo MacLean, who very hospitably entertained us. I must state that the different articles taken from me in the Intendency were never returned.

On the 12th of January, I arrived at Oruro and on the 15th I received the luggage which I had left in Tacna. On opening it I found that an overcoat and two suits in addition to various other small articles had been abstracted. This annoying petty theft, just as that which I suffered in the Intendency, are without precedent and will certainly create amazement when they are known.

ROBERTO L. VALVERDE.

Nº 147

Carta enviada de Oruro, el 18 de enero de 1919, por el ingeniero R. L. Valverde al Doctor José Pardo, informando sobre hechos graves ocurridos en Tacna con motivo de la expulsión de peruanos.

ORURO, 18 de enero de 1919.

Señor doctor don JOSÉ PARDO (Presidente del Perú), Lima.

MUY DISTINGUIDO SEÑOR: Atento a su telegrama de fecha ocho

y dirigido a Arequipa, cumplo con presentarle una detallada información sobre los atropellos de que he sido víctima en la ciudad de Tacna.

Voy a hacerle una exposición de hechos concretos relativos a los atropellos, casi todos en forma oficial, y que, por esta circunstancia, significan un monstruoso desconocimiento del derecho de gentes para con los ciudadanos peruanos residentes en la provincia de Tacna.

El 24 de diciembre, una manifestación llevada a cabo por más de doscientas personas casi todas uniformadas con trajes militares y correspondientes a diversas graduaciones, clausuró la casa habitación de mi familia por medio de dos barras de madera en medio de una gritería hostil, llena de denuestos para con todos los que llevan mi apellido. En igual forma se procedió con casi todo el elemento de alguna significación social o comercial. Momentos después se presentó la Policía, quien luego de tomar datos sobre los daños en el edificio, consistentes en la rotura de todos los vidrios de las ventanas, expresó que ella no podía contener esos desmanes por cuanto había recibido orden superior de permanecer indiferente.

A las dos de la mañana del día siguiente, se pegó en la mayoría de las puertas de las casas de la ciudad un boletín firmado por *El Pueblo* en el que se pedía el abandono de la ciudad, antes del 31 de diciembre, de un conocido grupo de caballeros peruanos. Los amenazados, entre los que me encontraba yo, acordamos dirigirnos al despacho de la primera autoridad para solicitar garantías ante el atropello que se nos hacía, pero fuimos sorprendidos por la notificación del Intendente de la Provincia para presentarnos al día siguiente en su oficina.

Entrevista con el Intendente.—Me tocó ingresar en segundo lugar al despacho del General Rojas Arancivia, Intendente interino, quien se encontraba acompañado de su Secretario doctor Sanhuesa, el Prefecto de Policía señor Herrera y el Director de *El Pacífico* señor Sabugo. El General, airadísimo se paseaba en su Oficina y tuvo el siguiente diálogo en el que, en ningún momento, cambió el tono grosero y descortés.

El General: ¿Quién es usted y por qué razón se encuentra en Tacna?

Valverde: Me llamo Roberto Valverde, soy actual Profesor de la Escuela de Ingenieros de Bolivia, Ingeniero del Estado, me hallo de tránsito en Tacna y en forma de paseo, debiendo ausentarme dentro de pocos días más.

El General: Se va usted hoy día mismo, ¿lo oye? No consiento que continúe usted en Tacna. Aunque sea se va usted a Arica, pero usted sale de aquí. Daré orden a la autoridad de allí para que lo reciba y lo haga salir. No tiene usted nada que hacer aquí.

Valverde: Es imposible que me vaya hoy, no hay ningún medio de comunicación, no podría salir a pié.

El General: Conoce Ud. la Ley de Residencia, publicada en todos los periódicos de la Provincia.

Valverde: No la conozco, no leo los periódicos chilenos; porque siempre están llenos de insultos.

El General: Aquí esta la Ley, léala Ud.

Valverde (Después de leer): Ninguna de las consideraciones me llega, no soy conspirador, no tengo enfermedades contagiosas y soy moral.

El General: Bueno, Ud. me firma acreditando que se va por su voluntad, que lo llama el Gobierno de Bolivia por ejemplo.

Valverde: Pero Ud. sabe que no quiero irme, es la autoridad quien quiere obligarme a salir, no puedo mentir.

El General: Tome Ud. ese pluma y haga la carta, yo se la dictaré.

Valverde: Reclama el derecho que tiene de redactarla y presenta la siguiente: "Comunico a Ud. que me retiro de Tacna obligado por la primera autoridad chilena."

El General: Usted no se burla de mí. Se equivoca (hace pedazos la comunicación). Si no me firma la carta, le suprimo las garantías para Ud. y su familia y lo pondré en la Cárcel.

Valverde: "Puede Ud. llevarme a la Cárcel, pero yo no puedo mentir" y presenta esta otra carta: "Señor Intendente: Comunico a Ud. que me retiro de Tacna por la presión." (esta carta tampoco es aceptada.)

El General: Le señalo el plazo de tres días para que deje Tacna.

Valverde: Señores: Protesto por el atropello que me obliga a dejar mi tierra natal.

El General: Es La Ley, que yo interpreto, es La Ley. "Yo soy la Ley."

(Irritadísimo).

Valverde: (Se retira).

Notificación del Prefecto de Policía y protesta ante el Cónsul Francés.—El domingo 29 de diciembre, a las ocho y media de la noche, recibí en el "Hotel Raiteri," de parte del Prefecto de Policía una comunicación entregada por un Agente; como carecía de firma y sello del lugar de su procedencia, la arrojé, haciendo

presente que una alta autoridad no podía dirigirse a un particular en esa forma. Al salir del Hotel, dos Agentes de Policía me cogieron de los brazos y después de insultarme y pretender agredirme de hecho, en presencia de un grupo numeroso de personas, me condujeron a viva fuerza a casa del General del Canto, donde se me dijo estaba el Prefecto señor Herrera esperándome. El Prefecto de Policía me preguntó si era verdad que habia arrojado la comunicación; le contesté afirmativamente expresándole que no podía creer que una de las primeras autoridades de la Provincia me notificara en esa forma, puesto que podía hacerlo por un oficio, buscarme personalmente o invitarme para que conociera cualquiera disposición. El Prefecto contestó a estas observaciones manifestando que la comunicación no era suya, que él, particularmente, en coche me había buscado en mi domicilio y que, al no encontrarme, ordenó que se me llamara para hacerme saber que al día siguiente se cumplía el plazo señalado por el Intendente. Después de protestar por el atropello público que la policía hizo a mi persona, que lo califique de una cobardía, respondí a la autoridad que no podía abandonar Tacna por dos razones: 1º porque vivir en Tacna representaba un derecho que no podía renunciar; y 2º porque momentáneamente carecía de medios económicos. El Prefecto me contestó expresando que verdaderamente estimaba como una cobardía el proceder de los Agentes de Policía, reprendiéndolos en mi presencia. Luego me aseguró que la autoridad llenaría todas las dificultades económicas para mi partida, ofreciéndome hasta pagar mis cuentas de hotel y otras de carácter particular. Le respondí diciéndole que recibía como una ofensa muy dura y que no me explicaba, por qué las autoridades chilenas tenían preparada disposición para ofenderme. Que no saldría de Tacna y que si la autoridad persistía, podía hacer uso de los medios que quisiera para obligarme a dejar la Ciudad, y le señalé a la vez, el lugar de mi domicilio.

Al día siguiente 30 de diciembre, me dirigí al Consulado francés, donde relaté al señor Cónsul don Frank Bebin los atropellos de que era víctima. El Cónsul francés, después de escucharme se mostró indignado, diciendo que no comprendía qué era lo que perseguía esa gente, que eran los alemanes de América y que él me firmaría una carta acreditando todo lo ocurrido, tanto a mí como a los demás compañeros de expulsión, para lo que solicitó la presencia de esos caballeros o en su defecto una carta-poder. Al mismo tiempo me indicó la conveniencia de dirigirme en igual forma a los demás señores Cónsules. En estas circunstancias

y cuando salía del Telégrafo del Estado de depositar un Recurso de Amparo a la Corte de Iquique, un Agente de Policía me notificó de parte del Intendente, en el sentido que debía presentarme al despacho de aquel funcionario.

Nueva entrevista con el Intendente, robo y expulsión.—El mismo día, a las 5 de la tarde, llegué a la Intendencia, donde fuí recibido después de una pequeña espera. El General Rojas Arancivia me recibió preguntándome la razón por la cual había dejado de salir de Tacna, manifestándome cual era el fin que perseguía. Contesté haciendo presente que no abandonaba la ciudad por las razones que había expuesto al Prefecto de Policía el día anterior. El General, cambiando de tono y en forma persuasiva me dijo: “Por qué no abandona Tacna, Ud. ha pensado irse; si es por plata “Habrà platita.” Respondí en forma indignada a las proposiciones que se me hacían, diciendo que en esta segunda entrevista se me trataba en forma no sólo descortés, sino ofensiva para mi decoro de peruano y caballero. El General, después de decirme dos veces la pregunta de si aceptaba o no, y de recibir respuestas igualmente negativas, llamó al Comisario Martínez diciéndole: “lo pongo bajo su custodia y con las instrucciones que le he dado.” Fuí conducido por dos agentes de policía a un calabozo en la misma Intendencia. Dos horas más tarde, el mismo Comisario, con dos personas, entró al calabozo y después de hacerme tomar por los brazos, me despojó de un reloj de oro, más de quinientos pesos que llevaba en previsión de mi expulsión, una cartera con papeles íntimos, un par de guantes y la llave de mi habitación. A las doce de la noche, un grupo de diez personas embozadas y emponchadas hicieron un callejón hasta la puerta de mi calabozo, saliendo yo por él hasta la calle. Allí encontré a mi hermano Carlos que había sido apresado en condiciones de igual violencia. Todas estas personas nos condujeron hasta las afueras de la Ciudad y frente a la casa-quinta ocupada por el General Rojas Arancivia, fuí obligado a montar en unión de mi hermano en caballos que tenían preparados para el caso. Una de las personas tocó el timbre de la puerta y después de pocos momentos gritó: “Listo mi General,” siendo respondida en esta forma: “Adelante.” El Capitán Rios, del Regimiento O’Higgins, el teniente Valle, y el sargento Canales del Regimiento Lanceros con dos soldados de tropa, todos con ropa militar a excepción del kepi, nos condujeron hasta la frontera del Sama. En el despoblado ya, fuimos provocados con expresiones hirientes para nuestras personas y para nuestra Patria y gracias a no haber respondido a aquellas provocaciones, llegamos sin ningún incidente que lamentar, a las siete de

la mañana al río Sama. Aquí tuvimos que descalzarnos para atravesar el río y comunicar al señor Carlos Guillermo MacLean quien nos dió generosa hospitalidad. Debo advertir que ninguna de las prendas que me fueron sustraídas en la Intendencia me han sido devueltas.

El doce de enero llegué a Oruro, recibiendo con fecha quince las maletas dejadas en la ciudad de Tacna. Al abrirlas encuentro la falta de un abrigo y dos ternos de vestir, fuera de otras prendas de pequeño valor. Este salteo irritante, al igual que el que sufrí en la Intendencia, constituyen un robo sin precedente, que estoy seguro será recibido con indignación, por toda persona que lo conozca.

ROBERTO L. VALVERDE.

No. 148

Communication addressed to the Ministry of Foreign Affairs of Peru by the Governor of Ticaco, January 13, 1923, giving an account of the crimes committed in Tarata.

TICACO, *January 13, 1923.*

THE MINISTER OF FOREIGN AFFAIRS, *Lima.*

SIR: I wish to inform you relative to occurrences which are taking place in Tarata, under Chilean occupation, and on this frontier.

On the 9th instant a carbineer named Francisco Lobos Riquelme was buried in Tarata, [but he] was said to have been found murdered, in Mauri, by Peruvian police officers and smugglers on the 1st instant. More than 150 Chileans, among them laborers, policemen and soldiers, attended the burial. On reaching the Cemetery, the officer in command of the carbineers in the course of his speech said that Peruvian police and smugglers had assassinated Riquelme while in the exercise of his duty and that, in consequence, it was the duty of all Chileans to avenge this crime. On returning from the ceremony, the laborers, who reside in various districts such as Tarucachi, but specially in Estique, formed groups of from 5 to 10 men and overran the farming section, raping every woman they encountered and assaulting the men with clubs. It is estimated that more than 50 women were so used, some of them being in a precarious condition in consequence of the assaults, among them being some children barely ten years old. These atrocities take place every day while the police authorities remain indifferent to the complaints from all sides.

The Chilean carbineers daily make incursions over the Cordillera range into Peruvian territory, seizing the muleteers they meet travelling with their pack-animals and taking them over the border into Chile. They then declare that the men were taken on Chilean soil, their cattle and merchandise being then confiscated.

They are now trying to get possession of the Chilicolpa Plantation, which is Peruvian property, by subjecting the inhabitants of the district to various indignities, to such an extent that the latter contemplate withdrawing from Chilicolpa owing to the incessant abuses inflicted by the Chilean carbineers.

Travellers proceeding to Tacna from here provide themselves with all the necessary requirements demanded by the Chilean authorities of Tarata, but even the latter are not respected. At Quilla, half way from here to Tacna, the Chileans strip the travellers of all their money and their mounts of the straps and stirrups, and in addition, belabor those who dare to protest against such proceedings with the butt-ends of their rifles.

Latterly the Chilean laborers from Tarata have begun to assemble in this village on Sundays for the purpose of carousing. Some of them have already committed various excesses, which remain unheeded by the police authorities.

Owing to the many disturbances committed by Chileans, this border section and that of Tarata live in a perpetual state of alarm.

I am bringing these facts to your attention for such purposes as may be deemed proper.

A. BERRIOS PANGO.

Nº 148

Oficio dirigido por el Gobernador de Ticaco al Ministro de Relaciones Exteriores del Perú, el 13 de enero de 1923, dando cuenta de los crímenes cometidos en Tarata.

TICACO, enero 13 de 1923.

Sr. MINISTRO DE RELACIONES EXTERIORES, *Lima.*

S. M. DE R. E.: Tengo a bien comunicar a usted lo que pasa en Tarata ocupado por Chile y esta frontera: El 9 de los corrientes se enterró en Tarata un carabinero llamado Francisco Lobos Riquelme, que dicen haberlo encontrado muerto en la parte del Mauri por gendarmes y contrabandistas peruanos en fecha 1º del presente mes, pues al entierro fueron más de 150 chilenos entre trabajadores, policías y carabineros; al llegar al panteón, el Jefe de los carabineros entre su discurso dijo que los gendarmes y contrabandistas peruanos habían asesinado a Riquelme cumpliendo su deber y por lo cual todo chileno debe vengarse de este crimen; al regresar los trabajadores que están en distintas partes como son Tarucachi y Estique, principiaron a repartirse de 10 a 5 hombres por las chacras; y mujer que encontraban la violaban y a los hombres les daban de palos; se calcula que las mujeres violadas son más de 50, algunas de ellas completamente malogradas, como también hay chicas de 10 años de edad; estos crímenes se

repiten todos los días y las autoridades de esos pueblos no toman en cuenta estos reclamos.

Todos los días se pasan al Perú los carabineros chilenos por la cordillera, tomando llamos o sea arrieros con mulas que vienen a esta frontera y los pasan a la banda de Chile; luego ellos dicen que estos arrieros fueron tomados en Chile por cuanto les decomisan los animales y sus mercaderías. Ahora también quieren tomarse la hacienda de Chilicolpa perteneciente al Perú; ya han principiado a molestar a los moradores de esos lugares, y parece que éstos van a abandonar Chilicolpa por los muchos abusos que cometen los carabineros chilenos.

Los pasajeros que van a Tacna de esta frontera con todos los requisitos que exigen las autoridades chilenas de Tarata, aún a estos no los respetan: en Quilla, mitad del camino de esta a Tacna, los chilenos les roban el dinero que llevan y además les roban las correas y estribos de las monturas y si no se dejan robar los maltratan con las culatas de las carabinas.

A este pueblo han principiado a venir los días domingos y lunes los chilenos trabajadores de Tarata para beber licor; algunos de ellos ya han cometido algunos escándalos y las autoridades de esta no han tomado parte en estos asuntos.

Por todos estos incidentes cometidos por los chilenos, esta frontera y la de Tarata están completamente alarmadas.

Comunicando la presente para los fines que tenga lugar.

Dios guarde a usted.

A. BERRIOS PANGO.

No. 149

Copy of the decree issued by the Chilean Sub-Delegate of the district of Putre (Province of Tacna) dated December 28, 1921, expelling from the territory the Peruvian citizen Antonio Mollo and his family.

4TH RURAL SUB-DELEGATION,
Putre, 28th December 1921.

THE UNDERSIGNED, Sub-Delegate, acting upon the verbal instructions of the Governor of the Department, Emiliano Bustos Leon, Decree hereby: that Antonio Mollo and all his family shall, within the term of three days, leave the territory of the Republic. Let this be given the required publicity, account thereof duly taken and the consequences of the action reported.

FRANCISCO MARCHAND,
Sub-Delegate.

On the 29th of December 1921, I duly notified Antonio Mollo of the provisions of the foregoing Decree; the party did not sign.

MARCHAND,
Sub-Delegate.

4TH RURAL SUB-DELEGATION,
Putre, December 30 1921.

Let the foregoing be carried into effect by the Reserves of Carbineers quartered in this village under the command of Lieut. Caupolicán Galvez.

MARCHAND.

OFFICE OF THE LIEUTENANT OF CARBINEERS,
January 10 1922.

Let this be effected and account thereof given.

GALVEZ, *Lieutenant.*

PUTRE, *January 12, 1922.*

Order has been executed. Let an account thereof be given.

CAUPOLICÁN GALVEZ.

Copia del decreto expedido el 28 de diciembre de 1921 por el Subdelegado chileno del distrito de Putre (Provincia de Tacna) ordenando la desocupación del territorio al ciudadano peruano Antonio Mollo y familia .

SUBDELEGACION 4A RURAL,
Putre, 28 de diciembre de 1921.

El Subdelegado que suscribe, por orden verbal del señor Gobernador del Departamento, don Emiliano Bustos León, decreta: Notifíquese a don Antonio Mollo y a toda su familia para que en el término de tres días desocupe el territorio de la República. Hágase saber. Tómese razon.—En veintinueve de Diciembre de 1921 notifiqué a don Antonio Mollo el decreto anterior y no firmó. *Marchand*, Subdelegado.

Subdelegación 4a Rural. Putre, Diciembre 30 de 1921.—Cúmplase por el retén de carabineros acantonados en este pueblo comandados por el Teniente Caupolicán Galvez.—*Marchand*.

Tenencia de Carabineros.—Enero 10 de 1922.—Cúmplase y dese cuenta. *Galvez*, Teniente.

Putre, Enero 12 de 1922.—Cumplida la orden y hecho dese cuenta.

CAUPOLICAN GALVEZ, *Tnte.*

No. 150

Paragraph of a letter addressed to Dr. M. F. Porras by the Regional Representative for Tacna, Sr. G. A. Pinto, January 16, 1923, which contains an account of the manner in which the banquet to the Governor of Arica was arranged in the valley of Azapa.

AREQUIPA, *January 16, 1923.*

Doctor MELITON F. PORRAS, *Lima.*

* * * * *

I do not think it superfluous to inform you that some time ago the Governor of Arica paid a visit to the valley of Azapa for the apparent purpose of establishing a school, due to which occasion he invited several persons of the neighborhood, all Peruvians, to a banquet. A few days before this, these same people, and many others, were notified to leave the district within fifteen days. The banquet, however, took place, and all the invited guests were present, while the greatest cordiality—from the Governor's side—was apparent during the repast. About three days later, the Sub-Delegate, in company of the Clerk of the Registration Office (Registro Civil) appeared, and suggested that it would be only proper to reciprocate the Governor's invitation, and as the suggestion encountered no enthusiasm but instead much passive resistance, they allowed it to be clearly understood that if their suggestion were not complied with, the expulsions would take effect immediately, but if, on the contrary, the banquet was agreed to, they would not be carried out, a suggestion compulsively accepted since the alternative was somewhat ominous. On the morning of the day appointed for the banquet, the Clerk of the Registry called at the house of a youth, the son of an Italian, born in Arica, but who considers himself a Peruvian citizen, and told him that he had been designated to make the dedicatory speech; the startled youth objected on the ground that he had never had occasion to make speeches and that he was not prepared; he was told that he need not consider this as an impediment because, in anticipation of this very contingency, the Clerk had prepared one for him. Eventually the boy agreed to make the speech, which consisted in a surprising eulogy of the Governor and of Chile. It now turns out that the whole matter

had been carefully planned in Santiago beforehand, while the speech itself has been made use of by the Minister of Foreign Affairs in his attempt to contradict the accusations of our government relative to the persecutions and abuses committed against our citizens.

* * * * *

G. A. PINTO.

Nº 150

Párrafo de la carta dirigida por el Diputado regional por Tacna, don G. A. Pinto, al doctor M. F. Porras, el 16 de enero de 1923, dando cuenta de la forma como se llevó a cabo el banquete ofrecido en el valle de Azapa al Gobernador de Arica.

AREQUIPA, 16 de enero de 1923.

Sr. Dr. M. F. PORRAS, *Lima*.

* * * * *

No creo demás decirle que hace algún tiempo el Gobernador de Arica se trasladó al valle de Azapa con el objeto, aparente, de instalar una escuela, con cuyo motivo hizo una invitación a bastantes vecinos, todos peruanos, a una comida; días antes de estos hechos fueron notificados esos mismos vecinos y muchos otros más para que desocupasen la localidad dentro de un plazo de 15 días. La comida se realizó con la concurrencia de todos los invitados, habiendo reinado, por parte del Gobernador, la mayor amabilidad. Pasados unos tres días de esto, se presentaron el Subdelegado con el empleado del Registro Civil y manifestaron que era conveniente retribuir la invitación al Gobernador, y, como encontraran una resistencia pasiva hicieron comprender muy claramente que, de no hacerlo, la expulsión se realizaría inmediatamente, y que, al contrario, no se llevaría a efecto si convenían en el agasajo, habiendo tenido que someterse, pues la disyuntiva era fatal; en la mañana del día fijado para el convite, se presentó el Oficial del Registro en casa de un jovencito, hijo de italiano, nacido en Arica, pero que se considera poruano, y le manifestó que debía ser él quien pronunciara el discurso de ofrecimiento; el joven se negó alegando que no estaba preparado y que jamás había tenido oportunidad de hacer un discurso; le replicó que no debía considerarse eso como dificultad, pues que él, en previsión, había traído un discurso preparado; en fin, se obligó al muchacho a pronunciar el discurso, que consistía en una alabanza al Gobernador y al Gobierno chileno. Pues bien,

todo esto estaba perfectamente preparado desde Santiago, y ese discurso ha servido al Canciller para tratar de desvirtuar la aseveración de nuestra Cancillería, sobre persecuciones y hostilidades a nuestros connacionales.

* * * * *

G. A. PINTO.

No. 151

Telegram from the Peruvian Prefect of Tacna Libre, February 24, 1923, communicating the incidents relative to the expulsion of Peruvians to the South of Chile.

LOCUMBA, *February 24, 1923.*

MINISTRY OF FOREIGN AFFAIRS, *Lima.*

Following persons have just reached my office: Mariano Becerra, Guillermo Borda, José Solari and Humberto Flores, recently arrived from Arica, from where they were obliged to proceed on foot to avoid being apprehended and sent south. They state that Saturday, 10th instant, they were notified by the Prefect of Police Quiroz to present their baptismal certificates, being allowed fifteen days wherein to do so, after which time they would be shipped south; that they know that many Peruvians have been shipped to Copiapó and Concepcion, among which they know personally Modesto Corbacho, Antonio Corbacho, Manuel Pizarro, Juan Estoraida, Claudio Velazquez, Eulogio Jimenez, Gavino Gonzalez, two brothers named Jiron and many others; that towards the end of December last year, nine Peruvians were brought to Arica from Socoroma, among whom was one named Remy or Reynoso, who, having refused to register owing to his Peruvian nationality and to have had on this account an altercation with the Sub-Delegate of Socoroma, the latter ordered him to be shot while on the road; that the mother of the victim applied to Arica and as no news of her son was given her, she turned back, and found traces in the road of three horses and human footprints leading off the road; that upon following these and within a short distance and almost in sight (of the road) she came upon the body. Returning immediately to Arica she denounced the crime to the Judge of First Instance, who ordered the body brought into the city; that the mother contracted for the services of a Chilean lawyer who, on opening his case, was taken into custody but released after a few days, and granted eight days within which to leave the city and go south. These men likewise confirm the information contained in my telegram No. 151, respecting numerous Peruvian citizens hidden among the canebrakes, hills and valleys. They likewise state that many Peruvians who were fleeing, were overtaken at the mouth of the

River Sama by Chilean soldiers and taken by them back to Arica. These men solicit their passages back to Callao. Am confirming by mail.

PREFECT FEBRES.

Nº 151

Telegrama del Prefecto peruano de Tacna Libre, de 24 de febrero de 1923, en que comunica hechos relativos al envío de peruanos al sur de Chile.

LOCUMBA, febrero 24, 1923.

MINISTERIO RELACIONES EXTERIORES, *Lima.*

Acaban presentarse ante mi Despacho Mariano Becerra, Guillermo Borda, José Solari y Humberto Flores, recién llegados Arica, de donde han visto obligados a salir a pié por temor ser tomados y remitidos al sur. Dicen que el sábado 10 del presente fueron notificados por Teniente Policía Quiroz para que presentasen sus partidas bautismo, dándoseles 15 días de plazo, vencido el cual serian embarcados sur; que les consta que han remitido a Copiapó y Concepción muchos peruanos, entre los que conocen a Modesto Corbacho, Antonio Corbacho, Manuel Pizarro, Juan Estoraida, Claudio Velasquez, Eulogio Jiménez, Gavino González, dos hermanos apellidados Jirón y otros muchos, que a fin de diciembre de laño pasado trajeron a Arica de Socoroma nueve peruanos entre los que figuraba uno apellidado Remy o Reynoso, que por el hecho de haberse negado a inscribirse alegando ser peruano y haber tenido un altercado con el Subdelegado de Socoroma, éste ordenó a los carabineros su fusilamiento en el camino; que la madre de la víctima se presentó en Arica y como no diésole razón de su hijo, regresose encontrando en el camino huellas de tres caballos y rastros de pisadas de hombre que se apartaba del camino; que siguiendo éstas encontró a corta distancia, casi visible, el cadáver. Regresándose inmediatamente a Arica denunció hecho ante Juez Letras, quien ordenó traslación cadáver; que la madre contrató abogado chileno quien al iniciar defensa fué preso, poniéndosele después pocos días libertad, dándosele plazo ocho días embarcarse sur. Confirman noticias que transmití mi telegrama No. 151, sobre haber muchos peruanos ocultos en totorales y montes, valles. Los llegados denuncian también que muchos peruanos que venían huyendo han sido alcanzados en boca del río Sama por carabineros chilenos, de donde han sido conducidos nuevamente a Arica. Informantes suplican concédaseles pasajes para esa. Ratifico correo.

PREFECTO FEBRES.

No. 152

Telegram from the Peruvian Prefect of Tacna Libre, dated February 26, 1923, relative to the continued persecutions committed against Peruvians.

LOCUMBA, *February 26, 1923.*

MINISTRY OF FOREIGN AFFAIRS, *Lima.*

Santiago Corrales arrived yesterday. This man was driven out of Arica on the 4th of August last year, after being maltreated, but returned to Arica secretly for the purpose of attending to some business and to look after his property, which he had been obliged to leave uncared for. Remained in hiding in the Lluta valley up to the 27th of January, when he was discovered and rigorously pursued, being obliged to take refuge in Tacna where he was likewise persecuted. He states that facts transmitted in my telegram No. 173 are absolutely true, adding that on the Portocarrero plantation, the property of the Chilean citizen Julio Fuenzalida, the manager of which is the Chilean Santiago Morales, all the Peruvians have been compulsorily inscribed in the military register. During the month of January this man, Morales, has handed over more than forty-five Peruvian citizens who were working on the estate as laborers, among whom can be mentioned Fidel Quelopana, Domingo Ibarra, Primitivo Bravo, Manuel Copa, Manuel Morales, all of whom have now secured good positions in the south. Corrales begs that passage be furnished him to Callao. From information I have just received twenty persons from Arica will be here at 9 a. m. to-day, who are coming due to the same reasons.

PREFECT FEBRES.

Nº 152

Telegrama del Prefecto peruano de Tacna Libre, del 26 de febrero de 1923, referente a la continuación de las persecuciones a los peruanos.

LOCUMBA, *febrero 26, 1923.*

MINISTERIO RELACIONES EXTERIORES, *Lima.*

Santiago Corrales, que fué expulsado de Arica el 4 de agosto del año pasado después de ser maltratado, con fin ver sus intereses

y hacienda que dejó abandonada, regresó clandestinamente a Arica permaneciendo escondido valle Lluta hasta 27 de enero que fué descubierto y perseguido tenazmente, viéndose obligado huir Tacna donde también fué víctima persecución, ha llegado ayer. Dice ser absolutamente exactos datos que trasmití mi telegrama 173, agregando que por la fuerza han inscrito en el registro militar a todos los peruanos que hay en la hacienda Portocarrero, propiedad del chileno Julio Fuenzalida, cuyo administrador es el chileno Santiago Morales; éste ha entregado en el mes de enero más de 45 peruanos que en condición de peones trabajaban en esa hacienda, entre los que figuran Fidel Quelopana, Domingo Ibarra, Primitivo Bravo, Manuel Copa, Manuel Morales, todos los que hállanse bien colocados sur. Corrales suplica concederle pasaje hasta el Callao. Informaciones que acabo recibir, sábese llegarán hoy 9 mañana esta 20 personas procedentes de Arica, que vienen igual condición.

PREFECTO FEBRES.

No. 153

Testimony of Italian subjects relative to the present attitude of the Chilean authorities in Tacna and Arica, April 6, 1923, forwarded to the Ministry of Foreign Affairs of Peru.

The Prefect of Tacna, in his dispatch No. 168 of April 6, 1923, informs to the Ministry of Foreign Affairs:

"For such purposes as may be considered appropriate, I am enclosing with this dispatch the duly certified documents which contain the unsolicited testimony of the Italian subjects Leone Constantini and Hector Arese, sworn to before the Justice of the Peace, owing to there being no Notary Public available. I am likewise enclosing certified copy of Constantini's passport and Arese's certificate of nationality."

TESTIMONY

LOCUMBA, March 26, 1923.

To the Public Notary:

Kindly certify to the unsolicited and spontaneous declarations which we desire to leave on record in a legal manner. We declare that we are aliens, of Italian nationality, and are passing through this city where we have just arrived from the Republic of Chile, our intention being to continue our journey to our own country. We declare that during the time we have been in the Province of Tacna and that of Arica we have witnessed many grievous instances of oppressive treatment of Peruvian residents of those territories by the Chilean forces, scenes which surely no country in the world has experienced in times of peace and which can only be compared to those suffered by the peoples whose territories were occupied by the German forces. The arbitrary deportations of Peruvians to Coquimbo where they are compelled to unearth corpses (Note: among the ruins of the recent earthquake) is a work which entails almost sure death, as is publicly known, owing to the epidemics which prevail. The heartless manner in which Peruvians are deported South is, according to public report, being done to prevent them from voting in the plebiscite, which would be to Chile's advantage should the plebiscite eventually take place. It is common knowledge that many

Peruvians are shot at the frontiers by Chilean soldiers on endeavoring to return to their own country. We wish to leave on record also that it is solely owing to the short time at our disposal, being travellers, that no more ample evidence is submitted relative to the many atrocities we have witnessed, committed by Chilean forces against the Peruvian population. We are leaving copies of the documents which attest our nationality, which we request should likewise be certified to by you.

(Signed) LEONE CONSTANTINI.

(Signed) HECTOR ARESE.

The Justice of the Peace, owing to there being no Notary Public, Certifies: that the preceding signatures, which have been subscribed in his presence by Leone Constantini and Hector Arese, subjects of Italy, travelling through this city, are authentic.

LOCUMBA, *27th of March, 1923.*

(Signed) DOMINGO LAGOS.

Seal of the Court of Locumba,
Province of Tacna.

The undersigned Judge of the Primary Court of Claims Certifies: that the preceeding signature which reads "Domingo Lagos" who is at the present time and who exercises the functions of a Justice of the Peace of this town, is the true signature of this official.

LOCUMBA, *6th of April, 1923.*

(Signed) ED. GOMEZ CARRERA.

Seal of the Primary Court of Claims,
of the Province of Tacna.

E. Febres Odriozola, Prefect of the Department of Tacna, Certifies: That the signature and seal which are affixed at the foot of the preceding legalization are those of the Justice of the Primary Court of Claims of this Province, and are those used by him in his official and private capacities.

LOCUMBA, *6th of April, 1923.*

(Signed) E. FEBRES O.

Seal of the Prefecture
of the Department of Tacna.

Passport of the Italian subject Leone Constantini:

Cover: A Coat of Arms of the Italian Kingdom. Regno d'Italia.
Passaporto per l'estero. Roma. Tipografia G. Scotti.

Second Cover: The present passport consists of twenty pages. Number of the Passport 15,924. Coat of Arms of the Kingdom of Italy. Number of the registration, 2. In the name of His Majesty Victor Emanuel III by the Grace of God and the Wishes of the Nation, King of Italy. Passport issued to Constantini (Leone), son of the late Luigi and of Maria Olivier, born in Susa (Turin) on the 5th of November, 1880, residing in the Province of Buenos Aires, by occupation a boiler-maker.

Second Page: Description of the bearer of the passport. A photograph and four seals which read "Italian Consulate in Buenos Aires. Signature of the bearer—Leone Constantini.

Third Page: The present passport is made effective for Chile and valid for one year. Buenos Aires, 19th of January, 1923. For the Consul General—Giacome Bruno. A seal of the Consulate General of Italy. Registered under number 816, Tariff 56 Gold lire 25-12-50.

Page Four: Blank.

Page Five: Blank.

Page Six: Instructions in Italian.

Page Seven: No. 505. Fee gold \$4 equivalent \$m/n 10-40 Art. 451. Legalized by the Consulate General of Chile in Argentine-Buenos Aires, January 20, 1923. (Signed) *T. Maquieira*, Consul General. Two Chilean stamps of \$2 each.

Page Eight: Seen in this Consulate of Bolivia. Antofagasta, 7th of March, 1923. Passport No. 150 (Signed) *A. del Carpio S.* Two stamps of the Republic of Bolivia, one for one "bol." and another of two "bols." A seal which reads "Consulate of Bolivia in Antofagasta."

Page Nine: Republic of Chile Corps of Carbineers. Examined. Here an illegible signature. General Intendency, Lagos 16th III of 1923. Seen in this Consular Agency of Italy—Valid for a journey to Peru. Tacna 22nd March 1923. The Royal Consular Agent—*A. D. Laneri*. A seal of the Italian Consulate in Tacna. Pages ten to twenty blank. Mr. Notary Public—You are hereby requested to legalize my signature—Leone Constantini. I certify that the preceding signature is that of Leone Constantini which is used by him in all his business. Locumba 27th March, 1923. (Signed) *Domingo Lagos*. A seal of the Justice of the Peace of Locumba, of the Province of Tacna. The Judge of the Primary Court of Claims, undersigned, Certifies: That the preceding signature is authentic and is that used by Señor Domingo Lagos, Justice of the Peace of this town,

in the exercise of his office. Locumba 6th of April, 1923. (Signed) *Ed. Gomez Carrera* Seal of the Primary Court of Claims of the Province of Tacna. Ernesto Febres Odriozola, Prefect of the Department of Tacna: Certifies: That the signature and seal which appear at the foot of the preceding legalization are those of the Judge of the Primary Court of Claims of this Province and are those which he uses in all his official functions as well as his private business. Locumba, April 6, 1923. (Signed) *E. Febres O.* A seal of the Prefecture of the Department of Tacna.

A seal which reads: Royal Consular Agency of Italy in Tacna and Arica. Tacna, August 29, 1921. Certificate: The undersigned Royal Consular Agent of Italy in Tacna and Arica (Republic of Chile) Certifies: that Sr. Arese (Hector) born in Turin in 1885, is an Italian. The present certificate is issued on account of a journey to be undertaken to Moquegua, Peru. The Royal Consular Agent—*A. D. Laneri*. A seal of the Italian Consulate in Tacna (Issued gratis). Mr. Notary Public: Your legalization of my signature is hereby requested—(Signed) *Hector Arese*. I hereby certify that the preceding signature is that of Hector Arese, which is used by him in his business. Locumba, 27th of March, 1923. (Signed) *Domingo Lagos*. A seal of the Justice of the Peace of Locumba, Province of Tacna. The Judge of the Primary Court of Claims, undersigned, certifies: that the preceding signature is authentic and is that employed by Señor Domingo Lagos, Justice of the Peace of this town, in the exercise of his official functions. Locumba, April 6, 1923. (Signed) *Ed. Gomez Carrera*. A seal of the Court of Claims of the Province of Tacna. Ernesto Febres Odriozola, Prefect of the Department of Tacna, Certifies: that the signature and seal which are affixed to the preceding document are those of the Judge of the Primary Court of Claims of the Province and those which are used by him in all his official and private activities. Locumba, April 6, 1923. A seal of the Prefecture of the Department of Tacna. (Signed) *E. Febres O.*

Nº 153

Testimonios de súbditos italianos sobre la actitud actual de las autoridades chilenas de Tacna y Arica, 6 de abril de 1923.

El Prefecto de Tacna, en su oficio No. 168, de 6 de abril de 1923, informa al Ministerio de Relaciones Exteriores:

“Para los fines que tenga Ud. por conveniente, me permito

adjuntar al presente oficio, debidamente legalizados, los documentos en que aparecen las declaraciones que, de una manera espontánea, han prestado ante el Juez de Paz, a falta de Notario Público, los súbditos italianos Leone Constantini y Héctor Arese; asimismo remito copia del pasaporte de Constantini y carnet de Arese."

LOCUMBA, 26 de marzo de 1923.

Señor Notario Público:

Sírvase Ud. certificar las declaraciones que espontáneamente y de motu propio queremos dejar expuestas y en forma certificada:

Declaramos que somos extranjeros, de nacionalidad italiana, que nos encontramos de paso por esta ciudad donde acabamos de llegar de la República de Chile. Que es nuestra intención seguir viaje a nuestro país.

Declaramos que durante el tiempo que hemos permanecido en las provincias de Tacna y Arica, hemos presenciado los más siniestros cuadros producidos por las fuerzas chilenas con los peruanos residentes en esos territorios, cuadros que seguramente no ha presenciado el orbe en pueblo alguno en estado de paz; escenas sólo comparables con las que producían las fuerzas teutonas en las personas de los pueblos que ocupaban. La expulsión de los peruanos a los territorios de Coquimbo a desenterrar cadáveres donde es público y notorio se encuentra la muerte por efecto de las epidemias que allí se han desarrollado. La forma inhumana de expulsar a los peruanos a los territorios del sur es, según se dice, con el propósito de impedir que produzcan el voto en favor de Chile, en caso que se llevara a efecto el plebiscito que se pretende. Es vox populi el asesinato de muchos peruanos que al retirarse de su patria han sido asesinados en la frontera por carabineros chilenos.

Dejamos constancia que por la premura de nuestro viaje en esta población no podemos ampliar con detalles todas las barbaries que hemos visto cometer por las fuerzas de Chile en el elemento de peruanos.

También dejamos copia de los documentos que garantizan nuestra nacionalidad, las que también se servira Ud. certificar en forma legal.

LEONE CONSTANTINI.
HECTOR ARESE.

El Juez de Paz que suscribe, a falta de notario en el lugar;
CERTIFICA: que las firmas que anteceden han sido puestas a

su presencia por Leone Constantini y Hector Arese, de nacionalidad italiana, i de paso por esta ciudad, siendo auténticas.

Juzgado de Paz de Locumba.

Sello: Provincia de Tacna.

DOMINGO LAOS.

Locumba, 27 de marzo de 1923.

El Juez de primera instancia que suscribe, certifica: que es auténtica la firma del frente que dice Domingo Lagos, quien es, y ejerce actualmente el cargo de juez de paz de este pueblo. Locumba, seis de abril de mil novecientos veinte y tres.

ED. GOMEZ CARRERA.

E. FEBRES ODRIOZOLA,

Prefecto del departamento de Tacna:

Certifica:

Que la firma i sello que aparecen al pié de la anterior legalización son del señor Juez de Primera Instancia de esta Provincia. Los mismos que acostumbra en todos sus actos públicos y privados.

E. FEBRES O.

LOCUMBA, 6 de abril de 1923.

Pasaporte del ciudadano italiano Leone Constantini.

Carátula: Un escudo del Reino de Italia. Regno D'Italia. Passaporto Per L'Estero. Roma. Tipografia G. Scotti.

Segunda Carátula: Il presente passaporto di venti pagine. N° del Passaporto. 15,924. Un escudo del Reino de Italia. N. del registro corrispondente. 2. In Nome Di Sua Maestà. Vittorio Emanuele III. Per grazia di Dio e per Volontà della Nazione, Re D'Italia. Passaporto. Lasciato a Constantini Leone, figlio di fu Luigi, e di Maria Olivier, nato a Susa (Torino) il 5 Novembre 1880, residente a in provincia di Buenos Aires, di condizione Calderero.

Segunda Página: Connotati del Titolare del Passaporto. Aqui un retrato i cuatro sellos que dice: Consolato D'Italia in Buenos Aires. Firma del Titolare. Leone Constantini.

Página Tres: Il presente passaporto é rilasciato per. il Chile, ed e valide per anni uno. Buenos Ayres, 19 Gennaio 1923. p. il R° Console Generale. (Aquí una firma del Cónsul General ilegible.) Giacomo Bruno. Un sello del Consulado General de Italia.

Reg° per N° 816. Tariffa 56. Lire Oro. 25 L. 12.50.

Páginas cuatro i cinco en blanco.

Página seis: Instrucciones en italiano.

Página siete: No. 505. Derecho \$ oro 4. Equivalencia \$

m/n 10.40. Art° 451. Legalizado por el Consulado General de Chile en Argentina. Buenos Aires, a enero 20 de 1923. *T. Maquieira*, Cónsul General. (Aquí dos timbres chilenos de 2 \$ c.u.)

Página ocho: Visto en este Consulado de Bolivia. Antofagasta, 7 de marzo de 1923. Pasaporte N° 150. (fd°) *A del Carpio S.* (Aquí dos timbres de la República de Bolivia uno de un bol. i otro de dos.) Un sello que dice Consulado de Bolivia. Antofagasta.

Página Nueve: República de Chile. Cuerpo de carabineros. Revisado. (Aquí una firma ilegible.) Tenencia Jeneral Lagos 16 III de 1923.

Visto in questa Agenzia Consolare d'Italia. Vale per continuare viaggio el Peru. Tacna, 22 marzo de 1923. Il R'Agente Consolare, *A. D. Laneri*. Un sello del Consulado Italiano en Tacna.

Páginas del 10 al 20 en blanco.

Señor Escribano:

Sírvase U. certificar mi firma.

LEONE CONSTANTINI.

Certifico: que la firma que antecede es de Leone Constantini, la misma que usa en todos sus actos.

Locumba, 27 de marzo de 1923.

DOMINGO LAGOS.

El juez de primera instancia que suscribe, certifica: que es auténtica la firma que antecede, de don Domingo Lagos, juez de paz de este pueblo en actual ejercicio del cargo. Locumba, seis de abril de mil novecientos veinte y tres.

ED. GÓMEZ CARRERA.

ERNESTO FEBRES ODRIÓZOLA,

Prefecto del departamento de Tacna,

Certifica:

Que la firma i sello que aparecen al pié de la legalización que inmediatamente antecede, son del Señor Juez de Primera Instancia de la Provincia, los mismos que acostumbra en todos sus actos públicos i privados.

E. FEBRES O.

Locumba, á 6 de abril de 1923.

“Un sello que dice: Ra. Agenzia Consolare D'Italia in Tacna ed Arica. Tacna, 29 de Agosto de 1921. Certificato. Il Sottoscritto R. Agente Consolare D'Italia in Tacna ed Arica,

(república del Chile), certifica: che il signor Arese Ettore, nato a Torino nel 1885, é italiano.

Si rilascia il presente certificato per motivo di viaggio a Moquegua, Perú.

Il R. Agente Consolare, *A. D. Laneri*. Un sello del Consulado de Italia en Tacna. (Rilasciato gratis).

Señor Escribano: Sírvasse Ud. certificar mi firma.

HECTOR ARESE.

Certifico: que la firma que antecede es de Héctor Arese, la mismo que usa en todos sus actos.

DOMINGO LAGOS.

LOCUMBA, 27 de marzo de 1923.

El juez de primera instancia que suscribe, certifica: que es auténtica la firma que antecede, de don Domingo Lagos, juez de paz de este pueblo en actual ejercicio del cargo. Locumba, seis de abril de mil novecientos veinte y tres.

ED. GOMEZ CARRERA.

ERNESTO FEBRES ODRIÓZOLA,

Prefecto del Departamento de Tacna;

Certifica:

Que la firma i sello que aparecen al pié de la legalización de la vuelta, son del Señor Juez de Primera Instancia de la Provincia, los mismos que acostumbra en todos sus actos públicos i privados.

E. FEBRES O.

LOCUMBA, 6 de abril de 1923.

No. 154

Telegrams from the Peruvian Prefect, resident in Locumba, dated April 19, 1923, relating to invasions of the present frontier.

MINISTRY OF FOREIGN AFFAIRS, *Lima*:

The Commissioner of Sama informs that to-day, 3 p. m., Chilean soldiers, armed and mounted, entered Poquera Hamlet belonging to the district of Sama Grande. Police Commissioner, Lieutenant Governor and a few men followed them and took a man prisoner who, taking advantage of the nearness of the River Aguarico, escaped to the opposite bank, soldiers firing at fugitive. The neighborhood is greatly disturbed and requests protection. I must again state that Chileans are taking advantage of every excuse to create difficulties. To-day's incursion is an armed invasion which will surely be followed by others and which will have fatal results, notwithstanding the attitude of my Office, which is acting in an extra prudent manner in view of international consequences.

PREFECT FEBRES.

MINISTRY OF FOREIGN AFFAIRS, *Lima*:

The Judge of the Primary Court of Claims of Candarave, in a telegram sent to-day informs me as follows: Chilean soldiers recently invaded the Chilicodpa and Mamaraya zones, compelling Peruvian population by threats, to proceed to Tacna before the 30th of April to take out certificates of Chilean nationality and to sign documents engaging to vote in the plebiscite, and in case such were not complied with by the date in question, threaten to seize their cattle and drive it to Tacna. Numerous Peruvian inhabitants have reached Candarave, soliciting assistance, while an exodus of Peruvians is under way towards the grazing grounds near Candarave, which is itself menaced as is Telico and the villages of my Province, victims of the abuses of Chilean forces. I am petitioning the Courts against such arbitrary proceedings, while whole province, imbued with patriotic fervor, protests against these outrages.

(Signed) *Judge Rodriguez Llerena.*

I consider it opportune to bring these facts to the attention of the Ministry.

PREFECT FEBRES.

Telegramas del Prefecto peruano, residente en Locumba, del 19 de abril de 1923, sobre invasiones en la frontera actual.

MINISTERIO DE RELACIONES EXTERIORES, *Lima*:

Comisario Sama dícame que hoy tres tarde carabineros chilenos armados y montados entraron callejón Poquera, comprensión Sama Grande. Comisario, Teniente, Gobernador y pocos hombres siguiéronlos y apresaron uno que aprovechando proximidad río Aguarico escapó desde otra banda. Vecindario alarmado solicita guarnición. Insisto manifestarle que chilenos están buscando pretextos para crear dificultades. El avance de hoy es una invasión armada que seguramente repetirán y que tendrá consecuencias funestas a pesar conducta mi Despacho, exagerada y prudente, dados compromisos internacionales.

PREFECTO FEBRES.

MINISTERIO DE RELACIONES EXTERIORES, *Lima*:

Juez Primera Instancia Candarave telegrama dirigido hoy dícame lo siguiente: "Carabineros chilenos invadieron últimamente zonas Chilicolpa, Mamaraya conminando pobladores peruanos se constituyan Tacna antes treinta abril a proveerse carnet nacionalidad chilena y firmar documentos comprometiéndose votar plebiscito y caso no hacerlo hasta esa fecha, comenzarán llevarse ganados a Tacna. Numerosos pobladores vinieron Candarave implorando auxilio; comenzando éxodo peruanos hacia pastales próximos Candarave, que aun vése amenazado lo mismo Telico y pueblos mi provincia exaccionados fuerzas chilenas. Comunico Corte estos atentados y poseídos ardor patriótico, provincia protesta por estos ultrajes."

(Firmado)

Juez Rodríguez Llerena.

Creo conveniente poner estos hechos conocimiento ese Ministerio.

PREFECTO FEBRES.

No. 155

Certificate issued by the Manager of the "Telegraph to Bolivia Company" dated August 4, 1919, which contains the statement that Roberto Nalvarte, an employé of the company, was being expelled from Tacna on account of his Peruvian nationality.

Telegraph to Bolivia Company
Telephone wire between Tacna and Arica
Office for transatlantic cables.

Offices:

Arica, Tacna, Charaña, Corocoro,
Viacha and La Paz.
Central Office: Tacna.

TACNA, *August 4, 1919.*

Seal: Telegraph to Bolivia Company, Tacna.

We hereby certify that Señor Roberto Nalvarte, born in and a denizen of this City, has been employed by this office for the space of four months, and has executed his duties to our entire satisfaction, being compelled to leave owing to the peremptory notification, issued by the authorities of the Province, to immediately leave the district, on account of his being a Peruvian citizen.

In honor and justice bound we consider it our duty to make an exception in this present case, granting a credential of this nature, in view of the fact that this employé by his good conduct, honesty and proficiency, had won the gratitude and special good will of the Company. Date ut supra.

CH. D. LANERI, *Manager.*

Nº 155

Certificado del Administrador de la "Compañía de Telégrafos a Bolivia," de 4 de agosto de 1919, declarando que don Roberto Nalvarte, cumplido empleado de esa empresa, es expulsado de Tacna por ser peruano.

TACNA, *agosto 4 de 1919.*

Certificamos que el señor Roberto Nalvarte, natural y vecino de esta ciudad, ha sido empleado en esta oficina por espacio de cuatro meses, habiendo desempeñado sus obligaciones a nuestra

entera satisfacción, viéndose en la forzosa necesidad de retirarse, debido a la notificación perentoria que le ha hecho la autoridad de la provincia, para que desocupe la localidad inmediatamente, en su calidad de ciudadano del Perú.

Un estricto deber de justicia y un sentimiento de honradez, nos obliga a hacer una excepción en el caso presente, otorgando un certificado de esta naturaleza, por tratarse además de un empleado que por su corrección, honorabilidad y competencia se había hecho acreedor al agradecimiento y particular deferencia de la Empresa. Fecha ut supra.

Por la Compañía de Telégrafos a Bolivia,

CH. D. LANERI,
Administrador.

No. 156

Declaration by the Mayor of the District of Ilabaya, of June 24, 1919, relative to the expulsion of the Peruvian citizen, Sr. José Pozo.

Seal.

Municipal Council of Ilabaya.

The undersigned, Municipal Mayor of the District, Certifies: that upon this date appeared in the City Hall one José Pozo, a Peruvian citizen, born in Candarave, capital of the Province of Tarata, and for more than fifteen years a resident of Tacna, in Chilean occupation, being employed by the "Empresa de Telégrafos a Bolivia" (Telegraph to Bolivia Company), for the space of ten years, as appears from the certificate granted by the manager of that Company; and he stated that he had been forcibly expelled by the Chilean authorities. Señor Laneri, the Manager of the Company, in view of the long years of honorable and competent services given, delayed the expulsion for three months by means of a declaration which he furnished to the effect that the deponent was not born in Tacna; that a little later, the Company received a confidential communication from the Governor (Intendente) of the Province, enquiring with regard to the nationality of the employees of the aforementioned company, to which Señor Laneri replied, furnishing the desired list of names, the deponent being notified the day following by a police officer and ordered to present himself at the Intendency, when the Secretary informed him that the only way to avoid his immediate expulsion from the district was to undertake to vote in favor of Chile, in case of a plebiscite, a suggestion which he absolutely declined to entertain, owing to which refusal he was required to leave the place within four days, under the penalty of being conducted by force to the Peruvian frontier. Whereupon the deponent endeavored to obtain that his employer intercede with the Intendency, but this was denied him owing to the general nature of the order to dismiss all the employees of the company of Peruvian nationality, failing which the latter would be molested; that the deponent then petitioned his employer to grant him a certificate which would state that his dismissal from the company was due to the special orders from the Intendency, but that this was likewise

denied him; as was the favor to have a record of the certificate inserted in the Company's books or the private record of the Manager, the latter stating that he regretted having furnished Señor Roberto Nalvarte with such a document since it might bring about serious consequences in case the Chileans should hear of it, and he begged that, in case it were not possible to return this certificate to him, that its contents be not made public, for this would entail certain revenge by the Chileans upon the company and even upon his own person. Upon the petition of the deponent, this certificate was granted him for such purposes as may seem necessary. Ilabaya, June 24, 1919.

EMILIO COSTA.

Seal.

Municipal Council of Ilabaya.

Nº 156

Certificado del Alcalde Municipal de distrito de Ilabaya, de 24 de junio de 1919, sobre la expulsión del ciudadano peruano don José Pozo.

Concejo Municipal, Ilabaya.

El que suscribe, Alcalde Municipal de este Distrito, certifica: Que en esta fecha se ha presentado en la Alcaldía el Sr. José Pozo, peruano, nacido en Candarave, capital de la provincia de Tarata i domiciliado desde hace más de quince años en Tacna, ocupada por Chile, en donde era empleado en la Empresa de Telégrafos de Bolivia por el espacio de diez años, como consta del certificado expedido por el Jefe de dicha Empresa, manifestando que ha sido expulsado por las autoridades de Chile en forma violenta. El señor Laneri como Jefe de esa empresa, en virtud del largo tiempo de servicios prestados con honradez i competencia, impidió por tres meses la expulsión con el certificado expedido, en el que hizo constar no ser nacido en Tacna; que poco tiempo después se recibió en la Empresa una comunicación reservada del Intendente de la Provincia preguntando la nacionalidad de los empleados de la referida empresa, a la que contestó el señor Laneri remitiendo la nómina solicitada, siendo el declarante notificado al siguiente día por un guardián para que compareciese ante la Intendencia, en donde el Secretario le indicó que la única manera de evitar su salida inmediata de la localidad, era comprometiéndose a votar a favor de Chile en caso de plebiscito, a lo que se negó terminantemente, por lo que fué notificado para salir del

lugar en el término perentorio de cuatro días, bajo la amenaza de ser conducido hasta la frontera del Perú. En vista de esto, el declarante trató de que su Jefe interviniera ante la Intendencia, negándose a hacerlo en vista de lo terminante de la orden de despedir a todos los empleados peruanos de la Empresa, y que al no hacerlo, sería ésta hostilizada; que entonces solicitó de su Jefe un certificado en el que constare que su salida de la Empresa obedecía a orden expresa de la Intendencia, negándose a otorgarlo negándose además a dejar constancia en los libros de la Empresa o en el suyo particular, del certificado expedido anteriormente, a lo que manifestó estar arrepentido de haberlo hecho con el expedido al señor Roberto Nalvarte, puesto que podía traerle malas consecuencias si los chilenos se imponían de ellos, y que si no le era posible devolverle el primer certificado expedido, suplicaba que no lo hiciese público, pues en ese caso los chilenos ejercerían venganzas con la Empresa y aun con su misma persona. A solicitud del interesado, le expido el presente para los usos que le convengan.

Ilabaya, veinticuatro de junio de mil novecientos diecinueve.

EMILIO COSTA.

Account of the abuses committed in Arica against the Peruvian citizen J. P. Rueda. (*La Crónica*, Lima, April 28th, 1923.)

On board the S. S. *Oropesa* which arrived at Callao yesterday, one of the passengers was Señor José Rueda, one of the eight Peruvians whom the Chilean authorities expelled a few days ago from Arica, after having subjected them to cruel torture in the Prefecture of Police.

Having received advance information by radio from Mollendo of this gentleman's arrival, we sent one of our representatives to Callao, early in the morning, to interview Señor Rueda and secure an exact and detailed account of the abuses perpetrated by the Chileans to compel him to leave the port of Arica, where he is a resident of 12 (twelve) years' standing, and honorably employed.

Our representative engaged Señor Rueda in conversation and obtained from him the following narrative, from which we have, on purpose, suppressed all commentary, which, however, in the case of the atrocities which our enemies are committing in Tacna and Arica for the purpose of stamping out Peruvian nationality, is superfluous anyway.

We will allow Señor Rueda to tell his story in his own words.

"On Monday, the 16th of April, while I was in Arica, sending off the mail to Bolivia for the factory, trading under the name of J. Rueda and Company, of which I am manager and part owner, a police agent named Zurita called on me, and informed me that the Assistant to the Prefect of Police wished to speak to me. I told the man that I would soon be through (it was then about 5 and the factory closed at 5:30 p. m.) and that I would then be at his service. The agent remarked that the Assistant would soon leave his office and that he was waiting for me, and that it would be better if I went at once. I therefore agreed to go, and proceeded to the Prefecture of Police, noting on the way, that I was being followed by various agents. On passing Doctor Mario Avila's house, I stopped to inform him that I had been summoned to appear before the police authorities and that in case I should require some guarantee of safety, would he grant it to me. Doctor Avila promised to do so, and as I had committed no offense to warrant a police summons, nor had any complaint in the Courts

been made against me, I went with an easy conscience to the Precinct of the inaptly termed 'Arica Police.'

"On entering, I met the police officer Palma, who is substituting the Prefect owing to the illness of that official, Señor Marcial Drago Ramirez, and I said to Palma, 'Señor Palma, you have summoned me and here I am at your service.' He replied: 'The officer on duty wishes to see you.'

"I then went to the officer on duty, named Guara, who informed me that I was under arrest from that moment, and he ordered me to be searched in case I carried arms, but all I had was a penknife. I was ordered 'incomunicado' (solitary confinement) and taken to a small cell. It must have been about 5:15 p. m.

"Upon being locked in, I scratched the paint off one of the panes in the window so as to see what was taking place outside. The dreary hours went by with that deadly slowness which you can imagine. At about 8 p. m. I saw Dr. Avila enter the guard-room and I understood that he came to furnish me some kind of protection. I saw him leave and then I waited for the result of his visit, but I waited in vain. I learned, later, that in the guard-room, the list of persons detained contained only one man charged with intoxication, the same officer Palma being the one who gave me this information. The interminable hours went by; 9, 10 and 11. At 11:30, lights were put out in the Prefecture building which was shrouded in darkness. My heart was beating to suffocation. A few moments later the door of my cell was violently opened and two uniformed guards rushed in. Each seized me by an arm and clapped the handcuffs on me with my hands behind my back, taking me to a filthy underground cell, where there were already four gaolers and the Chief of the Secret Service, Evaristo Valdes—a friend of mine—and another agent of police. One of the gaolers seized one of my legs and put it in the stocks while another, striking me suddenly and violently in the back, caused me to fall face downwards on the ground, whereupon my other foot was imprisoned in the stocks. It must be remembered that my hands were still handcuffed behind me. My head was quickly wrapped up in some old sacking by one of the guards to drown my cries, and I was left in this position for several minutes which seemed like years. I understood that we were awaiting the presence of some other person, and this turned out to be the case. A short while later, the door was opened and left ajar—for the cell was in appropriate darkness suitable to the events—and by the light of an electric torch, handled by my

friend Valdes, I saw three persons enter in whom I recognized the Governor of Arica, Emilio Buston Leon, the Deputy Prefect, Herrera, and the officer Palma. One of the agents, who had unwound the sacking from my head, received some order and, turning to me said, 'When are you going to clear out, you d... half-breed?' I replied, 'At once, if you will get me a horse.' 'All right,' said the same man, 'we shall just give you a few whacks to help you on your way,' and replacing the sacking, they proceeded to rain blows upon me. As I cried out in my agony, one of them struck me a blow which landed on my right temple, whereupon the officer Palma hastily said, in a low voice, 'No, not about the face,' so that I was no longer beaten about my face.

"I lost consciousness of the number of blows struck; all I know is that feeling that my cries only aggravated my punishment, I managed to dumbly endure it and choked down the expression of my suffering. At last Palma said, 'Enough.'

"I was then released from the stocks and carried out by the two gaolers and taken to my first cell, where I was left for I do not know how long, being brought to my senses a few moments later by an ear-piercing shriek, then another and still another, and then a succession of heart-rending cries from some poor victim. At 2 a. m. the door-keeper came into my cell and took me to the guard-room, where he returned my hat to me and said, 'With the compliments of those in whose company you have lately been, I want to tell you that you are allowed two days to leave the city, otherwise within a few days more you will be brought back again and beaten to a pulp.'

"I heard, later, through one of the gaolers, that a few days ago some poor wretch had been so barbarously beaten that he lost consciousness, and as he failed to come to, he was taken from the dungeon and plunged in cold water, but as this had not the desired effect, a doctor was summoned, who discovered that the man had been dead at least an hour. He had a ghastly wound over the right temple, which alone would have caused death.

"After my experience, which has moved all Arica, every representative person in the town personally called upon me. The very Chief of the Secret Service, to whom I paid a small allowance to keep me informed of the measures which were decided against us, and who, as I have previously mentioned, was a friend of mine, told me that through one Alberto Suarachi he had sent me word not to go to the Police Station, even though I should be summoned. Unfortunately, the warning reached my office ten minutes after I had left.

“On the day I was to sail, a friend from the Police Department came to tell me that instructions had been received from the Governor not to allow me to leave, and I was obliged to telephone to the German Consul, who is a personal friend of mine, asking him to kindly accompany me on board; and this gentleman, together with his Secretary and two Chilean gentlemen from Arica, escorted me, by which I was enabled to leave the port of Arica.

“While in the underground cell, I was shamefully robbed. My gold watch disappeared; all the money I carried and my private papers, most of them relating to my business, were stolen, which conclusively proves that I had fallen into a den of thieves and not in a police station.

“Along the road to the steamer, I noticed various police agents stationed at intervals, and on the dock was an officer and two detectives who, on seeing me in the company of the German Consul, did not dare to molest me.”

This is the true narrative of Señor Rueda, who is an honorable man of good standing. This fellow-citizen bears the terrible marks on his face and on his person of the barbarous treatment to which he was subjected by the authorities of Arica. The Medical Officer of the steamer *Oropesa*, doctor Noriega del Aguila, examined him on board and can testify to the tortures inflicted on Señor Rueda in Arica.

Nº 157

Relación de las violencias cometidas en Arica contra el ciudadano peruano J. P. Rueda. (*La Crónica*, Lima, 28 de abril de 1923.)

En el vapor *Oropesa* llegó ayer al Callao el señor José Rueda, uno de los ocho peruanos que las autoridades chilenas arrojaron hace pocos días de Arica después de haberlos torturado cruelmente en la Prefectura de Policía.

Enterados anticipadamente, por un radiograma de Mollendo, de la llegada de este caballero, enviamos ayer temprano al Callao a uno de nuestros redactores a fin de que entrevistara al señor Rueda y nos diera a conocer la relación exacta y pormenorizada de las tropelías perpetradas por los chilenos para obligarlo a abandonar el puerto de Arica, en donde residía desde hace 12 años trabajando honradamente.

Nuestro comisionado púsose al habla con el señor Rueda y obtuvo de él la siguiente relación en la que, de propósito, hemos

suprimido todo comentario, los que, por otra parte, huelgan siempre que se tratan de hechos abominables como estos que están cometiendo nuestros enemigos del sur para desperuanizar Tacna y Arica.

Habla el señor José Rueda:

El día lunes 16 de abril, estando en Arica ocupado en preparar el despacho de la correspondencia de Bolivia, en la fábrica que yo administraba y de la cual era socio, bajo la razón social J. Rueda y Cía., recibí la visita de un agente de policía un tal Zurita—quien me manifestó que el señor ayudante del prefecto de policía, deseaba conversar conmigo. Le manifesté que dentro de breves momentos iba a desocuparme, (eran las 5 de la tarde, y la fábrica cesaba a las 5 y media) y que entonces estaría a sus órdenes. El agente me dijo que el señor ayudante iba a salir luego a la calle y que me esperaba, y que, por tanto, mejor era que fuese luego. Accedí, encaminándome a la Prefectura de Policía, notando en el camino que era seguido de varios agentes. Al pasar por frente de la casa del doctor Marcos Avila, me detuve para decir a este caballero que acababa de ser notificado para comparecer a la policía y que, caso de necesitar una garantía, me la otorgase.

El doctor Avila me prometió hacerlo así y como yo no tenía cuenta alguna con la policía, ni cargo alguno en el juzgado, con la conciencia tranquila penetré en el cuartel de la mal llamada Policía de Arica: Al entrar a la prevención me encontré con el oficial Palma, que actúa de prefecto por enfermedad del titular señor Marcial Drago Ramírez, a quien dije:—"Señor Palma, me ha mandado usted llamar, y estoy a sus órdenes." Este me contestó: "El oficial de guardia lo necesita a usted."

Me dirigí entonces al oficial de guardia, un tal Guara, quien me dijo que desde ese momento quedaba detenido y me hizo registrar los bolsillos para quitarme las armas que tuviera. Una cortapluma era lo único que tenía. Ordenó entonces que me incomunicaran y fui conducido a una salita. Eran entonces las 5 y 15 p. m.

En mi encierro rasgué el pavón de un vidrio y desde ahí observé lo que sucedía en el cuartel. Empezaron a pasar las horas con la lentitud mortal que ustedes se podrán imaginar. A las 8 y media p. m. vi penetrar al cuerpo de guardia al doctor Avila, y comprendía que venía a favorecerme. Después lo vi salir y esperé con ansiedad el resultado de este paso. ¡Inútil espera! Después supe que en el cuerpo de guardia sólo había entre la lista de presos, uno por ebrio y el que me dió este informe fué el

mismo oficial Palma que me había recibido. Pasaron las horas siguientes, las 9, las 10, las 11. A las 11 y media se apagaron todas las luces del local de la prefectura y éste quedó a oscuras. El corazón se me quería salir del pecho. Momentos después se abrió la puerta del cuarto en que estaba y penetraron violentamente dos guardias uniformados. Uno de ellos me tomó de un brazo y el otro del otro y entrambos me pusieron esposas con las manos hacia atrás, y en seguida me condujeron a un calabozo inmundado en el que se encontraban cuatro guardianes y el jefe de pesquisas Evaristo Valdés—amigo mío—con otro agente. En este lugar, uno de los guardianes me tomó un pié y me lo puso en la barra y otro, dándome un violento golpe en las espaldas me hizo perder el equilibrio y caí de cara al suelo. Entonces me colocaron el otro pié en la barra. Hay que advertir que yo estaba con esposas y con las manos atrás. En seguida, y rápidamente, uno de estos salvajes me envolvió la cabeza con un costal vacío para que no gritara, y colocado en esta posición permanecí varios minutos que a mí me han parecido siglos. Comprendí que esperaban a alguien, y así era efectivamente.

Momentos después se abrió la puerta, sólo a medias, porque el calabozo estaba a oscuras pues así convenía, y a la luz de una linterna eléctrica, que era manejada por mi amigo Valdés, vi entrar tres personas, entre las que reconocí al Gobernador de Arica, Emilio Bustos León, al prefecto accidental, Herrera, y al oficial Palma. Uno de los agentes que me había descubierto la cabeza, recibió orden de algo y me dijo: “Cuando te vas a mandar cambiar, cholo de m. . . .” Yo le contesté: “Si ustedes me dan un caballo, me voy ahora mismo.” “Bueno—dijo el mismo hombre,—ahora te vamos a dar algunos palos para ayudarte!” Y tapándome luego la cabeza empezaron a apalearme: yo grité, y uno de ellos me dió un tremendo golpe en la sien derecha. El oficial Palma, en voz baja, le dijo:—“Por la cara, nó,” y no me pegaron más en la cara. . . .

Ignoro cuantos palos me dieron. Solo sé que, comprendiendo que con gritar agravaría mi martirio, opté por callarme y resistí en silencio. Al fin Palma dijo: “Basta.”

Luego fuí levantado en peso después de librarme de la barra y entre los dos guardianes, fuí conducido a mi prisión anterior en donde permanecí, no sé cuanto tiempo; pero recuerdo que momentos después me sacaron de mi aburrimiento los desgarradores gritos de una nueva víctima, y luego otros y otros, hasta que a las 2 de la mañana me llamó el guardia de la puerta y me condujo

a la prevención diciéndome al entregarme mi sombrero: "De parte de los que han estado con usted adentro, tiene usted dos días para permanecer en la ciudad; si no, dentro de otros dos días lo traen aquí y volverán a molerlo a palos."

Poco después supe por un guardián que días antes había estado en ese local un pobre hombre que fué maltratado tan bárbaramente que quedó inanimado, y viendo que no reaccionaba lo sacaron del calabozo y lo bañaron sin conseguir volverlo a la vida. Alarmados entonces llamaron un médico para atenderlo, el que constató que hacía una hora por lo menos que había muerto! Tenía una horrible herida en la sien derecha de necesidad mortal.

Después de mi desgracia, que ha sido sentida por todo Arica, fuí visitado por todo lo que hay de representativo en esa ciudad. El mismo jefe de pesquisas, a quien yo daba una pequeña subvención para que me tuviera al corriente de las medidas contra nosotros, que, como dije antes, era amigo mío, me dijo que por intermedio de Alberto Suarachi, me mandó un aviso para que no fuera a la policía, aunque me notificaran. El aviso, desgraciadamente, llegó a mi fábrica diez minutos después que yo había salido.

El día de mi embarque vino un amigo de la policía a comunicarme que se había recibido orden de la Gobernación para no dejarme embarcar, tuve entonces que solicitar por teléfono al Cónsul de Alemania, amigo particular mío, para que me acompañara a bordo; y este caballero, en compañía de su secretario y dos caballeros chilenos de Arica, me acompañaron. De esta manera pude salir de ese puerto.

En el calabozo fuí escandalosamente robado. Mi reloj y cadena de oro desaparecieron; cuanto dinero llevaba encima y papeles, casi todos comerciales, me los robaron por lo que comprendí que estuve en una cueva de bandidos, no en un cuartel de policía.

Cuando me dirigí a bordo constaté que en el camino a la escala habían apostados varios agentes de policía y en el embarcadero un oficial en compañía de dos agentes los que, al verme acompañado del Cónsul alemán, no se atrevieron a molestarme.

Hasta aquí el relato textual del señor Rueda, que es un hombre de bien en toda la extensión de la palabra. Este compatriota nuestro presenta en la cara y el cuerpo huellas horribles de las bárbaras torturas que le infligieron las autoridades de Arica. El médico del vapor *Oropesa*, doctor Noriega del Aguila, lo examinó a bordo y puede testificar la efectividad de las torturas que sufrió el señor Rueda en Arica.

Exhibit No. 158

Extracts from affidavits sworn to by Peruvian citizens expelled by the Chilean authorities from the territories of Tacna and Arica. Each affidavit is duly attested by Judge Gallagher y Canaval, countersigned by the appropriate judicial officers, legalized in the Ministries of Justice and of Foreign Affairs and by the Consul of the United States in Lima.

AFFIDAVIT No. 1.

Amador Cornejo, merchant, 45 years of age, born in Arequipa, widower.

Sworn statement, before Judge Juan Gallagher y Canaval, July 18, 1923.

Replying to questions, stated that in 1919 he was summoned to appear before General Rojas Arancibia, who compelled him by threats to sign a declaration to the effect that he was leaving Tacna voluntarily; that the General gave him fifteen days in which to leave the territory occupied by Chile and that in obedience to that order he had sailed for Mollendo. That although his family, composed of two sisters, a daughter and three grandchildren and two orphan nieces, was not expelled by the Chilean authorities, yet as he was obliged to leave, his family necessarily had to leave also. That real estate to the amount of 200,000 "pesos" had in consequence been left uncared for. Deponent gives the names of witnesses to the facts mentioned herein, as well as his present residence.

AFFIDAVIT No. 2.

Reverend Juan Vitaliano Berroa, Catholic priest, born in Villa de Omate, Department of Moquegua, 49 years of age.

Being sworn, declares that he left Arica on the 7th of March, 1910. That on the 3rd of that month he received a communication from the Governor of Arica, which is exhibited as evidence, and which reads: "Republic of Chile, Governorship of Arica, No. 182, March 3, 1910. Sir: In compliance with the decree of the Governor of this Province which enjoins you to leave the country within forty-eight hours, counted from 11-15 o'clock when notified. The delay granted to you is for the purpose of enabling you to take the steamer going north which sails on the 5th instant. This

Department has already issued the necessary instructions for the booking of a first class passage to the port of Mollendo in the steamer above-mentioned. (Signed) *Luis Arteaga*." That upon receipt of this notification deponent telegraphed to the Court of Appeals of Tacna requesting the usual guarantees and while awaiting a reply he received the following letter, which is likewise added as evidence and which reads: "Republic of Chile. Governorship of Arica, No. 194, March 7, 1910. Under this date this Department has decreed as follows: No. 148: Having waited until today at 11-15 a. m., which was the time limit granted by a decree issued by the Governor of the Province, No. 51, dated the 5th instant, so that the ecclesiastics J. Vitaliano Berroa and Juan C. Guevara might leave the territory of the Republic: Decrees as follows: That the above-expressed ecclesiastics be taken into custody and conducted to Tacna from whence they may proceed to the frontier. To be registered and communicated. (Sgd.) *L. Arteaga*." Deponent declares that this order was duly carried out and that he was personally conducted by the Chief of Police of Arica, Belisario Vergara, to the railroad depot, made to go aboard the train accompanied by four police officers and taken to Tacna, and from this city, accompanied by the four police officers, he was conducted to the Peruvian frontier. That upon learning that the Court of Tacna had given a verdict in his favor, he had returned to Tacna, where he continued for four days, when he was again arrested and notwithstanding his protest and the orders of the Judge, he was again forcibly deported, this time by the sub-Chief of the Police of Tacna, Fuensalida, who handed him over to a police officer whose name he does not know and who, together with four policemen, conducted him on horseback to the frontier. Deponent further states that the baptismal registers for his parish in Arica were forcibly seized by the Chilean authorities, in spite of his protests, by breaking open the locks of the archive room where they were kept; that this occurred in 1908, two years before his expulsion, and that the registers and records of the parish are now held by the Chilean notary of Arica.

AFFIDAVIT NO. 3.

Celestino Vargas, merchant, 38 years, married, born in Tacna.

Being sworn, declares that in January, 1919, a police officer stopped him in the street and notified him to appear before the Police Commissioner who wished to speak to him, and that upon calling upon the Commissioner this official informed him that,

owing to his Peruvian nationality and to being a representative member of the community, the Chilean authorities considered him an undesirable element and that he was therefore being given twenty-four hours in which to leave the vicinity; and that upon earnest entreaty this limit was extended to forty-eight hours, upon the expiration of which he was obliged to leave the city, abandoning his business, owing to the fear of being expelled by force and experiencing the sufferings of others of his fellow-citizens.

That his family, consisting of his wife and six small children, was not expelled but was naturally obliged to follow him. That his business consisted in trading in country produce and that he owned a house which was sold by the Chilean authorities in a lawsuit he could not contest, owing to his expulsion. He cites various witnesses to the above facts.

AFFIDAVIT No. 4.

Eudoro G. Vargas, aged 43, merchant and farmer, born in Tacna, married.

Deponent, being sworn, declares that he was obliged to flee from the territory to escape the persecution of the Chilean authorities who accused him of being a spy.

That his family consists of his wife and eleven small children and a sister-in-law, who were obliged to follow him.

That he owned a farm and a house, valued at 14,000 and 7,000 respectively. That his business gave him an income of from 1,500 to 2,000 per month.

Deponent further declares that while Maximo Lira was Governor of the province, he once called him in and promised to secure for him an assured and easy future provided he would inscribe his children in the Chilean registers, which he declined.

Deponent gives the names of various witnesses to the above facts and statements.

AFFIDAVIT No. 5.

Jorge Garcia Sierra, 18 years, printer, born in Tacna, unmarried.

Deponent, being sworn, states that he was summoned to appear last June before Judge Lamberto Caro of Tacna, who informed him that he would have to inscribe himself in the Military Register upon reaching the age of 18. That he declined to do this and was released upon signing the minutes of the citation and examination; that a few days later he was again summoned to appear before the

judge, who informed him that if he did not register he would be expelled from the territory within eight days; that he requested fifteen days within which to do so, but that this delay was denied him, owing to which he had to leave Tacna on the first of July, 1923.

Deponent gives the names of several witnesses of the above statements.

AFFIDAVIT No. 6.

Julio Zevallos Rojas, aged 62, merchant, born in Tacna, married.

Deponent, being sworn, states that on the twentieth of July, 1920, he was summoned to appear before the Commissioner Vargas, who informed him that he would have to leave the territory occupied by Chile within three days and that though he endeavored to secure an extension of time, he was not successful.

His wife and three children were obliged to follow him.

Deponent states that he knows of the specific cases of the two brothers Reynoso, of Tacna, who were forcibly enrolled in the Chilean army. Witnesses are mentioned who can testify to the truth of the above facts.

AFFIDAVIT No. 7.

Alberto R. Valdez, aged 35, clerk, born in Tacna, unmarried.

Deponent, being sworn, states that on the 20th of June, 1923, while in the village of Pachia, about four leagues from Tacna, he was arrested by a police officer and taken to the police barracks and brought before the Chief of the Intelligence, who grossly abused him, accusing him of being the correspondent of Peruvian papers and of being a spy in the pay of the Peruvian Government. That he was taken to a cell and kept there ten hours, that at 1 a. m. he was taken out, placed on horseback and, accompanied by two police agents, taken across the frontier notwithstanding his protests. That the Chief of the Intelligence is named Pedro Venegas, that the police officer who arrested him is called Valderama, and that those who conducted him to the frontier are N. Pellegrini and Juan Solis.

Deponent states that most of the Peruvians impressed in the service are of the poorer class and that therefore he is not acquainted with them personally, the only one he remembers being a young man called Dionisio Vildoso.

Witnesses are mentioned who can testify to the truth of the above statements.

AFFIDAVIT No. 8.

Carlos Martinez L., born in Tacna, aged 31, clerk, married.

Being sworn, states that as the Electric Company of Tacna had been notified not to employ Peruvian citizens, he was compelled to resign from his position as cashier, and as all other companies and business firms had likewise been notified in the same sense, he was compelled to leave because he could secure no other employment. That his family of a wife and four small children was obliged to follow him.

That he recalls the specific case of Oscar Rojas who was forcibly enrolled in the Chilean army. Deponent gives a list of witnesses who can testify to the truth of the above statements.

AFFIDAVIT No. 9.

Gerardo Vargas H., born in Arica, aged 53, journalist, widower.

Being sworn, states that in September, 1911, a mob of Chilean roughs attacked his house in Arica, even forcing an entrance over the roofs, which obliged deponent to take refuge in the house of Alberto Focacci where he remained hidden for a week, and as his life was in danger he was compelled to take the first ship to Callao. That he is aware that the attack was planned by the Governor Luis Arteaga. That his family, consisting of his wife and eight children, were exposed to the same dangers as deponent. That he owned four houses which he was obliged to mortgage so as to leave Arica and that, due to the loss of his business, which was that of a customs broker and commission agent, he was unable to pay the interest on these mortgages, which therefore lapsed, the property being then sold to pay the principal.

Deponent cites the specific cases of Jorge Acevedo and N. Rueda as having been taken by the authorities and flogged.

AFFIDAVIT No. 10.

Manuel Lacunza A., born in Arica, aged 45, telegraph operator, married.

Deponent, being sworn, states that on the 8th of January, 1919, at 12 midday, in the Dos de Mayo street, which is the principal thoroughfare of the city of Arica, he was assaulted by a large number of men in the presence of the police and taken by force, and grossly ill-treated, to the wharf, where two Customs House officials seized him by the arms, telling him to be quiet, that he would be no longer beaten, placed him in a boat and had him taken to the steamer *Peru* which sailed shortly after for Callao,

which he reached on the 11th of that same month. That the names of the Customs House officials were Vicuña and Tapia. That his family consisted of his wife and three small children, who were notified to leave and were able to depart on the steamer of the 20th of that month.

Deponent gives the names of several witnesses to the truth of the above statements.

AFFIDAVIT No. 11.

Luis Octavio Belaunde Ramirez, born in Arica, aged 40, farmer, married.

Being sworn, states that on the 6th of January, 1919, he was notified by the Chilean Patriotic League, General Lagos, to leave the territory occupied by Chile in the first steamer which should touch at Arica, and that being aware that a refusal to comply with this notification would expose him to the same ill-treatment and abuses suffered by other Peruvians, he was compelled to leave on the 18th of that month on the steamer *Linari* for Callao.

That the notification was signed by H. Gutierrez and Alberto Acuña, the first an employee of the firm of E. Torre and Co. and the second an inspector of Customs of Arica.

That his family consisted of his wife, three small children, his mother and a sister, who were obliged to leave as the order of expulsion included himself and his family. That he owned two farms which he worked, valued at 35,000 pesos, and that he was obliged to rent them at a very great loss owing to the suddenness of his departure.

Various names are given in support of the above statements.

AFFIDAVIT No. 12.

Jose Antonio Albarracin, born in Arica, aged 35, painter, married.

Being sworn, states that the Chilean authorities endeavored to have him register for military service in the Chilean army but that he refused, being prosecuted in the courts on this account.

That on the 11th April, 1923, at 10 p. m., police officers Zurita and Silva informed him he was to appear at once at the police station, where he went accompanied by the officers. He was there met by the officer on duty, Rojas, who searched him, took from him the contents of his pockets and locked him in a cell where he remained until 2 a. m. He was then taken out and put in another cell, no explanation being furnished for the treatment thus given to him, handcuffed, his feet placed in the stocks and barbarously

flogged. At 3.30 a. m. he was set at liberty, being advised by the officer Rojas that he would have to leave the country as soon as possible. That four days later he was again summoned to the police station and informed by the Chief of the Department of Public Security, Valdez by name, that he must leave the country in the shortest possible time, as otherwise he ran considerable risks, following which he decided to take ship on the *Orita* on the 8th of March for Mollendo.

His family consists of his wife and three small children who were all allowed to accompany him. Deponent states that he often witnessed the bringing in from the rural outlying districts of many young Peruvian men who were shipped to Copiapó, to which place those taken in Arica were also sent, among whom was his neighbour Quilopana.

AFFIDAVIT No. 13.

Antonio A. Pinto Pividal, born in Arica, aged 52, Customs House broker, married.

Lived continuously in Arica from 1879 to 1919, when he was expelled.

Deponent, being sworn, states that on December 23, 1918, on returning home, he was handed a letter from the Chilean Patriotic League ordering him to leave Arica at latest on the 6th of December, 1919, and as he was aware that unless he complied he would suffer the same ill-treatment meted out to other Peruvians, he took passage on the S. S. *Palena* for Callao.

His wife and a niece were also obliged to leave Arica.

Deponent gives the names of several witnesses to the above statements and declares that he handed the notice of expulsion to Mr. George Finlayson, U. S. Consul, who can also testify to the truth of the above statements.

AFFIDAVIT No. 14.

Alberto Forero Marquez, born in Tacna, aged 34, clerk, unmarried.

Deponent, being sworn, states that the Chilean authorities endeavored to have him register but that he refused to do so.

That the railroad company where he had been employed for sixteen years, having been notified in December, 1922, to dis-pense with the services of all Peruvian employees, the manager informed him that he regretted to have to dismiss him; that fully aware that he would get no other position, since all business

houses had been equally notified, he was compelled to leave and sail for Callao.

His mother and two sisters were also obliged to follow him. Deponent states that he has witnessed the rounding up of many young Peruvian men who were shipped to Coquimbo by the Chilean authorities, among whom the following are personally known to him: two brothers Reynoso, young Alay, and Castillo, all of Tacna.

That he keeps a letter written by the General Manager of the railroad company in London, which confirms the truth of his statement with regard to the cause for the loss of his position.

Witnesses to the truth of the above statements are likewise given by deponent.

AFFIDAVIT No. 15.

Pedro P. Pescetto, born in Arica, aged 61, merchant, married.

Being sworn, states that towards the end of December, 1918, deponent received a notification from the Chilean Patriotic League to leave Arica within fifteen days, threatening him with severe harm if he did not comply therewith. That he thereupon called on Mr. Raiteri, President of the League, soliciting the revocation of this order which was both unjust and illegal, but all he could obtain was an extension of time until January 23, 1919. That on the 17th of January a police agent notified him in the name of the Prefect of Police, Captain Lindsay, that he would have to take ship that same day, and as this conflicted with the extension he had secured, he appealed through the Netherlands Consul, Mr. Guillermo Gorssen, who obtained permission from the Prefect of Police for deponent to remain until the 23rd. That he was then notified by a police agent that he was to appear before Captain Lindsay, who confirmed the permission given to remain until the said 23rd, on which day he sailed and arrived at Callao four days later.

Deponent declares that the original order of expulsion is deposited in the Ministry of Foreign Affairs of Peru.

AFFIDAVIT No. 16.

Dr. M. Artidoro Espejo, born in Moquegua, lawyer, aged 56, married, 22 years' residence in Tacna.

Deponent, being duly sworn, deposed as follows: That in 1889 he went to Tacna, where he opened law offices, marrying some years later and definitely establishing himself in that city, where his five children were born. In 1904 he was appointed manager

of the Bank of Tacna on the death of Guillermo McLean, the former manager. That since 1910 he has had to suffer constant hostility on the part of the Chilean element in Tacna. That on the Chilean Independence Day, his house was invariably stoned, on one of which occasions one of his daughters was seriously injured by a stone hurled through a window.

That on the 18th of July, 1911, the same members of the mob which composed the meeting against Peruvians, which destroyed the building and presses of the newspapers *La Voz del Sur* and *El Tacora*, and the premises of the Union Club, of which deponent was President, attacked his residence, and being unable to break in the door, threw lighted torches onto the balconies, but which were fortunately extinguished before the desired conflagration could start. That on the 2nd of November of that same year, General Vicente del Solar, Commander-in-Chief of the First Division of the Chilean Army, came to the offices of the Bank of Tacna and notified him that he would have to leave the City of Tacna at once, because his further stay in the city did not suit the Chilean Government, and that upon deponent refusing to comply with this order on the ground that it was in violation of the guarantees furnished by the Chilean Constitution, the aforementioned general replied that if deponent did not leave the city he would take certain measures against the Bank of Tacna and against deponent personally, and that it was useless for him to apply to the Courts of Justice, as his plea would not be heard.

On the following day a battalion of infantry was drawn up against the entrance of the bank, under pretext of executing military exercises, but with instructions to prevent the entrance to the bank buildings of any person whatsoever; that as such action prevented the clients and customers of the bank from transacting their business with it and as it was feared that the continuance of such methods would affect the reputation of the institution, deponent was compelled to resign his position as manager of the Bank of Tacna, on the very day that the Directors of the Bank received a communication from General del Solar insisting upon the dismissal of deponent from his position.

The Chilean authorities, not content with this, then sent out agents and rough characters who were posted at convenient places to intercept deponent on his way to his residence, for the purpose of provoking a disturbance, the police, meanwhile, refusing to pay any attention to his requests for protection; that as he could obtain no guarantees for either himself or for his family, he was

compelled to leave Tacna; that at the railroad station many persons came to see him off, among them the greater part of the Society of Artizans, of which deponent was President; that outside the railroad depot a group of Chileans took advantage of the occasion to undertake a counter demonstration; that he has not been allowed to return to Tacna to look after his property, which he had to leave totally uncared for owing to this refusal of the Chilean authorities.

That his family, composed of his wife, five children and a female relative of his wife's, was likewise obliged to leave Tacna so as not to be separated from him. That his property consisted of three houses in Tacna, worth about £2,000, another in Arica worth about £600 and a farm in Sama worth £500. All this property is a total loss, for it has not been possible for many years to obtain any rent from the tenants who occupy it, with the exception of the tenant of the house in Arica.

That deponent was a silent partner of the firm of Cornejo and Company, a hardware store in Arica, having furnished the sum of 40,000 "pesos" of 36 cents each towards the company's capital, and had, in addition, made two cash loans to the company, one of £200 and the other of 10,000 Chilean pesos. Upon deponent's departure from Tacna, the authorities undertook a campaign of hostility towards this concern and succeeded in obtaining the withdrawal by the banks of all facilities and the exaction by these of the payment of all credits, and that as it was impossible to do business under such circumstances, the creditors called a meeting and proceeded to auction off all assets, in consequence of which the creditors were paid 6 per cent of their claims while the partners lost all the capital which they had subscribed.

That as manager of the bank, he was on a salary and commission basis, earning 1,000 pesos a month and 3 per cent of the half-yearly profits, and that as counsel for the Arica to Tacna Railroad, his remuneration was 500 pesos half yearly; and that he had retaining fees from the following firms: Bello Hermanos, Luis M. Capellino, E. Torres and Co., Esteban Dondero, José Gnocco, José Palmieri, Man Lee and Co., Juan Raiteri, Sebastian Felix, Juan Maria Rojas, and others who paid him fixed honorariums.

That deponent can testify that during recent years there has been a systematic determination to send to the south of Chile all the Peruvian youth under the pretext of carrying out their military service, while mobs frequently gather and attack the homes and stores of Peruvian citizens, the owners of which are severely

assaulted; that specific cases of such outrages is the attack on Roberto Freire, editor of the paper *El Tacora*, who in 1911 was attacked and beaten with sticks about 12 p. m. on returning to his home, and that as deponent happened to be working in the bank that night and hearing the victim's cries for assistance, he went to help him and was able to save him from his assailants; that the "Mundial" Cinematograph theater, belonging to Anibal Marchand, was completely destroyed and the owner obliged to leave Tacna; that Sebastian Felix and Juan Quea were assassinated by Chilean soldiers; that both Carlos Cespedes and Miguel Vargas were attacked in the public streets; that Dr. Carlos Basadre's house in Pocollay was completely destroyed by fire, as well as other incidents of like nature too numerous to mention; that the above facts are well-known to many reputable witnesses he mentions by name.

AFFIDAVIT No. 17.

José F. Rueda, born in Lima, aged 49, merchant, married, 13 years residence in Arica.

Being sworn, states that on the 16th of April, 1923, at 5.30 p. m., a police agent notified him to go to see the Prefect of Police immediately, that he complied at once and that as the Prefecture was at the time temporarily in charge of a Mr. Palma, whose office was in the police barracks, he proceeded there, whereupon the officer on duty, Alberto Guarachi, instead of taking him to the Prefect, confined him to a room where he was kept until midnight. That he was then handcuffed and taken to a cell where an officer and several agents, whose faces he could not see in the dark, the cell being lighted by a lantern, cruelly beat him, and that upon being set free one of the men told him that he was given two days in which to leave the city, but the condition of his wounds being such, he could only leave six days later, having been attended during this time by the Chilean doctor of Arica, Marcos Avila; that as soon as he was aboard the steamer *Oropesa*, on the 23rd of April, he was examined by the doctor of that vessel, Noriega del Aguila, under whose care he continued until he reached Callao, his wounds being so severe that for eight days longer after landing he was under the care of Dr. Constantino Carvallo of Lima; that his business interests amounted to 35 per cent partnership in the firm of J. Rueda and Co. and that as manager of this company he earned 400 pesos per month.

Deponent testifies that a young man of Arica, Corbacho by

name, another called Corrales, also of Arica, and a young man of Tacna called Liendo, and several others whose names he does not know, were taken by the Chilean authorities and forced to enter the Chilean army.

Deponent further testifies that on the same night when he was imprisoned in the Police Barracks and beaten, the same treatment was suffered by Mr. Juvenal Lagos, Guillermo Carlos, Jacinto Hurtado, Jorge Acevedo, Luis Rondon and three other Peruvians whose names he does not know.

AFFIDAVIT No. 18.

Juan de Dios Ulloa, born in Arica, aged 54, carpenter and builder, married.

Deponent, being sworn, testifies that at the end of 1918 his house was stoned by a mob and a few days later the police agent Luis Quiroz summoned him to appear before the Deputy Governor, Jorge Henisler. That he obeyed the summons, the official being accompanied by the Military Commander Angulo at the time. He was informed that he would have to leave by the first vessel, so he took the necessary steps to secure a delay, during the course of which he was summoned a second time to the artillery barracks where he was confined in a cell all day, and upon being freed, the Commandant asked him what he expected to do, the deponent replying that he would have to obey the order of expulsion. That a few days later, January 4, 1919, the assistant to the Prefect of Police, Sr. Freire, called at his house at midday and notified him that he would have to leave that same evening on the steamer *Cachapoal*, being warned that if he did not do so he would be taken on board by force, and that being the case, deponent had no other alternative but to obey those orders, taking passage on the steamer above mentioned and being accompanied until the time of going on board by the police agents who had been deputed to see that he obeyed, as they themselves confessed to the deponent.

Deponent further names, as witnesses who saw the acts described above, the Austrian citizen Juan Roceo, Sr. Elias Torres and Mrs. Rosa Trabucco, widow of Velarde, who saw the notifications and witnessed the abuses to which he was subjected in the artillery barracks.

AFFIDAVIT No. 19.

Cesar C. Tellez, born in Tacna, aged 62, lawyer, married, resided 10 years in Arica.

Being sworn, states that in September he was summoned to the office of the Governor of Arica, Arteaga, who informed him that he would have to leave the territory occupied by Chile within one month; that being unable to settle the numerous cases confided to his professional attention in this short time, the delay granted lapsed without it having been possible for him to obey the order to leave Arica; that a few days after the date in question he was summoned to the office of the Prefect of Police, Captain Lindsay, who treated him with great discourtesy, upbraiding him and compelling him to register by force and detaining him from 11 a. m. to midnight, when he was removed from his cell and taken to the police barracks yard, mounted upon a horse and obliged to leave the district, accompanied by the police officer, Villanueva, who left him at the frontier, at Sama.

That his family, composed of a wife and three children, were also obliged to leave Arica so as to follow him.

AFFIDAVIT No. 20.

Francisco Ricardo Tellez Hume, born in Tacna, aged 34, cattle raiser, married.

Being sworn, states that in 1911 he was expelled from Tacna together with Artidoro Espejo and Enrique Cerpa, that owing to the intercession of several merchants, principally of the firm of Esteban Dondero, a month after his expulsion General Vicente del Solar yielded to their requests and allowed him to return to Tacna.

That on the 24th of December, 1918, he was attacked in his home by a Chilean mob which broke in the door and destroyed the contents of the whole house, deponent and his family being obliged to escape over the roofs. That next day, the 25th of December, he was notified by the police agent, José Valderrama, to appear before General Rojas Arancibia, this military officer in command requiring him to immediately leave the territory in occupation by Chile. That deponent requested a delay so as to see his family and arrange his business affairs, the General agreeing to give him time to settle various business matters provided he signed a paper declaring that he was leaving Tacna of his own free will; that deponent refused to sign but eventually did so upon the threat of being expelled by force, of the refusal to furnish guarantees for the protection of his family and of not allowing him to see the members thereof before departing. That after signing the document, deponent left in the belief that the General would keep his promise and that he would have time to wind up

his affairs, but as soon as he left the private office of the General, the latter advised him that the delay granted would only be forty-eight hours, not allowing him from that moment to remain unattended. That on the 29th of the same month he was obliged to leave Tacna accompanied by a sergeant of cavalry who conducted him to the frontier.

That deponent remained in Sama, and in September, 1922, the Chilean authorities on the frontier allowed him to return to Tacna, but after one month's residence the same agent, José Valderrama, notified him of the order issued by the Prefect of Police, Florentino Herrera, that he would have to leave by the first steamer, which he in effect did, from Arica on the 18th of October, 1922. That his family consisted of his wife and seven small children and his mother, who all had to follow him.

That his business consisted in a chain of butcher stores for which he raised cattle, all of which he lost owing to his expulsion. Deponent further states that his nephew, Jose Victor Tellez Cornejo, was taken by the authorities and made to serve in the Chilean army. Several persons are named by deponent as being witnesses to the truth of the above declaration.

AFFIDAVIT No. 21.

Emilio Auza, born in Tacna, aged 70, clerk, married.

Deponent, being sworn, states that on the 6th of February, 1920, he left Tacna on a three-months visit to Lima, and upon completion thereof and when preparing to return, he received letters and telegrams from his wife, informing him that Armando Sanhueza Libano, secretary of the Intendency and President of the Chilean Patriotic League, together with Roberto Marin, a member of the same league, had notified her to advise deponent that he would not be allowed to return to Tacna, and that owing to the hostility shown his family, which had been also notified to leave the city, he was compelled to remain in Lima.

That his property consists of three houses worth about 60,000 pesos and furniture worth about 9,000 pesos. That this property, of which one house alone is rented, is being cared for by Mrs. Eloisa Godines, widow of Ortiz, but the rented house, occupied by a Chilean, produces nothing because the tenant has refused consistently to pay any rent, and deponent has no means of compelling him to do so.

Deponent further names various persons as being witnesses to the facts mentioned herein.

**Cablegram from the Minister of Foreign Affairs of Peru to Dr.
M. F. Porras, President of the Arbitration Commission in
Washington.**

LIMA, *October 10, 1923.*

No. 42. First. Prefect of Tacna telegraphs me that Chilean authorities continue expelling Peruvian citizens, 200 having arrived from Sama on October 3rd and 4th.

Second. In Tomasiri, the Prefect found more than 100 who had fled from Tacna and Arica where the Chileans have organized veritable Peruvian hunts so as to ship them to the south of Chile to prevent them from voting in case of a plebiscite. He states that two Peruvians have become insane and that a woman, by name Paula Lamas, suddenly expired when her son José Rosas Flores, 20 years of age, was forcibly taken from her.—SALOMON.

**Telegrama dirigido por el Ministro de Relaciones Exteriores del
Perú al Dr. M. F. Porras, Presidente de la Comisión de
Arbitraje en Washington.**

LIMA, *Octubre 10 de 1923.*

No. 42. Primero. Prefecto de Tacna me telegrafía que autoridades chilenas continúan expulsando peruanos, habiendo llegado en octubre 3 y octubre 4 como 200 de Sama.

Segundo. En "Tomasiri" encontró el Prefecto más de 100 que huyeron de Tacna y Arica, en donde los chilenos hacen verdadera caza de peruanos, a fin de embarcarlos con rumbo al sur de Chile para evitar votos en caso de plebiscito. Dice que se han vuelto locos dos peruanos y que la señora Paula Lamas murió repentinamente cuando le arrancaron su hijo José Rosas Flores, de 20 años.—SALOMON.

Secret documents of the Chilean Government. Memorandum from the Governor of Tacna, Maximo R. Lira, to the Minister of Foreign Affairs of Chile, published in "El Comercio" of Lima, March 15, 1910.

The inhabitants of the province of Tacna who can read and write and are 21 years of age hardly number 4,000. The electoral census which I caused to be privately taken at the end of last year, and which was very carefully executed, gives a total of 3,289, divided as follows:

Peruvians.....	2,326
Aliens.....	538
Chileans.....	425

Adding 10 per cent to these figures, as an estimate for possible omissions, the number of 3,617 probable electors is therefore obtained.

Supposing that no Chilean or alien electors have been overlooked and that the figures for omissions (328) be added in full to those of the Peruvian electors, a total of 2,664¹ is obtained. The province would therefore shew an excess number of 1,731² Peruvian electors.

But is it a foregone conclusion that these 2,661³ Peruvians who appear as probable voters would all cast their votes in the plebiscite? To believe so would be a mistake. The vast majority of the Peruvian population of the province is composed of simple and extremely ignorant natives, whose minds cannot conceive such ethical obligations as civic or patriotic duty. Their very idea of religion is very much the same as that of savage peoples, and means to them just a series of superstitious, idolatrous and even immoral practices. The only subject upon which they have any very clear idea is that of their pecuniary interests, and if they learn to read and write, it is solely for the purpose of defending their property, their inheritance and their flocks. Without the slightest exaggeration it can be stated that at least 60 per cent of such possible voters in a plebiscite would not know what it was all about.

But even so, it need not be feared that such men would spontaneously register their vote, for many of them would have to go long distances to do so, losing much time and money. *Besides, as the Peruvian native is essentially timorous by nature, it would be*

¹ 2,654. ² 1,701. ³ 2,654.

extremely easy to intimidate him, making him believe, for instance, that he is being called upon to undertake his military service, or for the purpose of increasing his taxes and giving him to understand that his life would be imperilled by travelling over certain roads. (Italics ours.)

However, if unwilling to go to the polls voluntarily, he might be taken there compulsorily; but as regards this aspect of the matter, it is pertinent to remark that outside of the capitals of the Departments, there is no one in the different centers of the province who is in a position to exercise any political influence or pressure. There are some natives who are wealthier than others, and that is about all, but they do not possess, any of them, that superiority of attainments which causes one man to have a recognized moral influence over his fellows. The priests alone could undertake the necessary propaganda to this end and are the ones who wield sufficient power to compel these people to go to the polls, and this should not be lost sight of when we insist that such men should not be of Peruvian nationality. The neutrality which the Holy See desires to maintain in our issue with Peru would seem to compel the Vatican not to allow that the religious government of the province of Tacna, with all its influences, should remain in the hands of the enemies of Chile.

At any rate, it is imperative without further loss of time to correct the grave mistake, which has been made hitherto, of utterly disregarding the importance which the rural population of the province possesses. Why should the inhabitants feel well disposed towards us when we have done nothing in their favor, while in many of such centers our very authority is, up to now, unknown? We have neither given them schools nor furnished them with police protection of any kind, while the lesser judiciary is composed almost exclusively of Peruvians, because there are no aliens even whom we might appoint. As we have done nothing for them it is not surprising that these people shew not the slightest sympathy for us.

In Tarata, more than anywhere else, is the want of government felt. This Sub-Delegation comprises about 5,000 inhabitants; it is a very fertile agricultural center and one of much commercial activity with Bolivia and Peru.

The administrative requirements of the province would imply the establishing therein of almost 300 persons, who would be entitled to vote, and this would also encourage immigration to all those points which would become centers of Chilean residence. This one measure alone would, within the course of one year or more, represent an increase of 500 Chilean voters. We will

surely be entitled to ask the company which is building the Arica-La Paz railroad to employ in its offices and in the road-work at least 500 Chileans, which would enable us to count upon a sufficient number of Chilean voters to meet the issue of the plebiscite.

While it is true that even according to the figures given above there is still an excess of Peruvian voters, it must be remembered that there are voters who, owing to their condition, can be eliminated or neutralized, while ours will always be, in their entirety, sure votes.

Our position with respect to the plebiscite would be extremely favorable if we could obtain these three things: right to issue the voting ticket; a secret vote and the sitting of qualifying boards and the establishment of polling stations only in the chief towns of the Department.

The following is the manner in which I consider that the public utility services should be organized:

Sub-Delegation of Tarata: To be divided into six Districts: Tarata, Tarucachi, Chucatanani, Putina and Mauri, whose administrative, judiciary, educational, sanitary and police personnel should be complete.

DEPARTMENT OF TACNA:

Sub-Delegation of Calama: Two Districts.

Sub-Delegation of Pachia: Two Districts.

Sub-Delegation of Palca: Two Districts.

Sub-Delegation of Sama: One District.

Sub-Delegation of Callao.

Sub-Delegation of San Ramon.

Sub-Delegation of Mercado.

Sub-Delegation of Alto de Lima.

DEPARTMENT OF ARICA:

Sub-Delegation of Arica.

Sub-Delegation of Azapa.

Sub-Delegation of Lluta.

Sub-Delegation of Putre.

Sub-Delegation of Belén.

Sub-Delegation of Codpa.

Sub-Delegation of Choquelimpie.

Postal Service: Increase the salaries and number of the personnel.

Employees: Choose these from among retired military officers, married and fathers of families, who, in addition to their pay, would be allowed a bonus and free housing.

January 24, 1908.

Memorándum del Intendente de Tacna, Máximo R. Lira, al Ministro de Relaciones Exteriores de Chile. (Documentos secretos publicados en *El Comercio* de Lima, marzo 15, de 1910.)

MEMORÁNDUM DEL INTENDENTE DE TACNA

Los habitantes de la provincia de Tacna que saben leer y escribir y tienen 21 años de edad no llegan á cuatro mil. El censo privado electoral que hice levantar á fines del año último y que fué hecho con bastante proligidad da una suma de 3,289, distribuidos así:

Peruanos.....	2.326
Extranjeros.....	538
Chilenos.....	425

Aumentada esta suma total con el 10 por ciento en que se estiman las omisiones, se obtiene la de 3,617 electores posibles.

Y suponiendo que no hayan quedado electores chilenos y extranjeros sin contar, y que la cifra de las omisiones (328) deba cargarse íntegramente á la partida electores peruanos, ésta subiría a 2,664. Habría según esto en la provincia, un exceso de 1,731 electores peruanos.

¿Se debe contar con que esos 2,661 peruanos que figuran como electores posibles concurrirían en su totalidad á un plebiscito? Creerlo así sería un error. La inmensa mayoría de la población peruana de la provincia la forman indígenas rudos y profundamente ignorantes, en cuyo cerebro nunca han cabido ideas alambicadas como las del deber cívico ó patriótico. Su concepción misma de la religión se asemeja mucho á la de los pueblos bárbaros siendo el culto para ellos sólo un conjunto de prácticas supersticiosas, idolátricas, á menudo inmorales. En la única materia en que tienen ideas claras es en la de los intereses materiales, y si aprenden á leer y escribir es para defender su propiedad, su herencia ó su rebaño. Sin la menor exageración puede afirmarse que el 60 por ciento de aquellos posibles electores en un plebiscito lo forman individuos inconscientes.

No se debe temer, por esto, que esos individuos vayan espontáneamente á un plebiscito, teniendo muchos que recorrer largas distancias y perder todos tiempo y dinero. ‘‘Además, siendo el indígena peruano esencialmente tímido, sería facilísimo intimidarlo haciéndolo creer, por ejemplo, que se le llama á incriminarse para enrolarle en el ejército ó para aplicarle mayores contribu-

ciones, ó bien que su vida puede correr peligros si se aventura en ciertos caminos."

Pero, si no espontáneamente, podrían ir al plebiscito arrastrados. A este respecto cabe observar que en ningún centro de población de la provincia, fuera de las capitales de los dos departamentos, hay personas capaces de ejercer influencias políticas. Hay indígenas más ricos que otros, eso es todo, pero no se conoce entre ellos ninguna otra superioridad de esas que dan á un hombre poder moral sobre los demás. Los curas solamente podrían hacer propaganda y tener influencia bastante para arrastrar gentes al plebiscito, y esto conviene tenerlo muy presente para insistir en que esos funcionarios no sean peruanos. La neutralidad que en nuestros asuntos con el Perú quiere guardar la Santa Sede parece que la obligaría á no dejar el gobierno eclesiástico de la provincia de Tacna, con todas sus influencias, en manos de los enemigos de Chile.

En todo caso, se hace indispensable proceder sin demora á corregir el grave error que se ha cometido dejando á las poblaciones rurales de la provincia en el más completo abandono. ¿Por qué razón se podrían sentir inclinadas en favor nuestro si nada hemos hecho para servir las y si en muchas de ellas es hasta ahora desconocida nuestra autoridad? No les hemos dado escuelas ni policía de ninguna clase y la administración de justicia de menor cuantía ha estado constantemente entregada á peruanos porque ni extranjeros hay á quienes poder confiarla. No habiendo recibido servicio alguno de nosotros, no es raro que esas poblaciones no nos tengan el menor afecto.

Con mayor fuerza que en ninguna parte se hace sentir en Tarata la necesidad de darle una administración. Esa subdelegación tiene muy cerca de cinco mil habitantes, es centro de gran producción agrícola y de negocios activos con Bolivia y el Perú.

La organización de los servicios administrativos en la provincia radicaría en ella muy cerca de 300 personas con derecho á sufragio, y fomentaría una inmigración espontánea á todos los puntos donde se constituyesen centros de población chilena. Se puede contar con que por este capítulo, á la vuelta de un año ó poco más, habría un aumento de 500 electores chilenos. Seguramente habrá derecho de pedir á la empresa constructora del ferrocarril de Arica á La Paz que emplee en sus oficinas y sus faenas á 500 chilenos por lo menos; y con esto se contaría con un número suficiente de chilenos electores para afrontar el plebiscito.

Es verdad que, según las cifras apuntadas más arriba, siempre aparece un exceso de posibles electores peruanos; pero no hay que olvidar á los electores que por su calidad son eliminables ó neutralizables, mientras los nuestros serán siempre y en su totalidad electores seguros.

Nuestra situación con respecto al plebiscito sería muy favorable si se obtuvieran estas tres cosas: boleta de calificación, voto secreto y establecimiento de mesas calificadoras y receptoras únicamente en las ciudades cabeceras de departamento.

He aquí ahora la organización que debería darse desde luego á los servicios públicos.

Subdelegación de Tarata.—Dividirla en seis distritos: Tarata; Tarucachi; Chucatomani; Putina y Mauri, cuyo personal administrativo, de justicia, educación, policía, higiene, etc., etc. sería completo.

DEPARTAMENTO DE TACNA:

Subdelegación de Calama (dos distritos).

Subdelegación de Pachía (dos distritos).

Subdelegación de Palca (dos distritos).

Subdelegación de Sama (un distrito).

Subdelegación de Callao.

Id. de San Ramón.

Id. de Mercado.

Id. de Alto de Lima.

DEPARTAMENTO DE ARICA:

Subdelegación de Arica.

Subdelegación de Azapa.

Id. de Lluta.

Id. de Putre.

Id. de Belén.

Id. de Codpa.

Id. de Choquelimpie.

Correos

Aumentar el sueldo y el personal actual

Empleados

Buscarlos entre los oficiales retirados casados y con familia, quienes además de su sueldo podrían tener casa y gratificación.

Enero 24 de 1908.

No. 160

Conditions for plebiscites, carried out as a consequence of the Treaties of Versailles and Saint Germain.

TREATY OF VERSAILLES

Page 24—Article 34—EUPEN AND MALMÉDY:

Germany renounces in favor of Belgium all rights and title over the territory comprising the whole of the Kreise of Eupen and Malmédy. During the six months after the coming into force of this Treaty, registers will be opened by the Belgian authority at Eupen and Malmédy in which the inhabitants of the above territory will be entitled to record in writing a desire to see the whole or part of it remain under German sovereignty.

The results of this public expression of opinion will be communicated by the Belgian Government to the League of Nations, and Belgium undertakes to accept the decision of the League.

Article 35:

A Commission of seven persons, five of whom will be appointed by the Principal Allied and Associated Powers, one by Germany and one by Belgium, will be set up fifteen days after the coming into force of the present Treaty to settle on the spot the new frontier line between Belgium and Germany, taking into account the economic factors and the means of communication.

Decisions will be taken by a majority and will be binding on the parties concerned.

Page 26—SAAR BASIN—Article 45:

As compensation for the destruction of the coal-mines in the north of France and as part payment towards the total reparation due from Germany for the damage resulting from the war, Germany cedes to France in full and absolute possession, with exclusive rights of exploitation, unencumbered and free from all debts and charges of any kind, the coal-mines situated in the Saar Basin as defined in Article 48.

Article 49:

Germany renounces in favor of the League of Nations, in the capacity of trustee, the government of the territory defined above.

At the end of fifteen years from the coming into force of the present Treaty the inhabitants of the said territory shall be called

upon to indicate the sovereignty under which they desire to be placed.

Page 36—Plebiscite—Chap. 3—Pargr. 34:

At the termination of a period of fifteen years from the coming into force of the present Treaty, the population of the territory of the Saar Basin will be called upon to indicate their desires in the following manner:

A vote will take place by communes or districts, on the three following alternatives: (a) maintenance of the régime established by the present Treaty and by this Annex; (b) union with France; (c) union with Germany.

All persons without distinction of sex, more than twenty years old at the date of the voting, resident in the territory at the date of the signature of the present Treaty, will have the right to vote.

The other conditions, methods, and the date of the voting shall be fixed by the Council of the League of Nations in such a way as to secure the freedom, secrecy and trustworthiness of the voting.

Pargr. 35:

The League of Nations shall decide on the sovereignty under which the territory is to be placed, taking into account the wishes of the inhabitants as expressed by the voting.

(a) If, for the whole or part of the territory, the League of Nations decides in favour of the maintenance of the régime established by the present Treaty and this Annex, Germany hereby agrees to make such renunciation of her sovereignty in favor of the League of Nations as the latter shall deem necessary. It will be the duty of the League of Nations to take appropriate steps to adapt the régime definitively adopted to the permanent welfare of the territory and the general interest.

(b) If, for the whole or part of the territory, the League of Nations decides in favour of union with France, Germany hereby agrees to cede to France in accordance with the decision of the League of Nations, all rights and title over the territory specified by the League.

(c) If, for the whole or part of the territory, the League of Nations decides in favour of union with Germany, it will be the duty of the League of Nations to cause the German Government to be reestablished in the government of the territory specified by the League.

Pargr. 36:

If the League of Nations decides in favour of the union of the whole or part of the territory of the Saar Basin with Germany, France's rights of ownership in the mines situated in such part of the territory will be repurchased by Germany in their entirety at a price payable in gold. The price to be paid will be fixed by three experts, one nominated by Germany, one by France, and one, who shall be neither a Frenchman nor a German, by the Council of the League of Nations; the decision of the experts will be given by a majority.

The obligation of Germany to make such payment shall be taken into account by the Reparation Commission, and for the purpose of this payment Germany may create a prior charge upon her assets or revenues upon such detailed terms as shall be agreed to by the Reparation Commission. If, nevertheless, Germany after a period of one year from the date on which the payment becomes due shall not have effected the said payment, the Reparation Commission shall do so in accordance with such instructions as may be given by the League of Nations, and, if necessary, by liquidating that part of the mines which is in question.

Pargr. 37:

If, in consequence of the repurchase provided for in paragraph 36, the ownership of the mines or any part of them is transferred to Germany, the French State and French nationals shall have the right to purchase such amount of coal of the Saar Basin as their industrial and domestic needs are found at that time to require. An equitable arrangement regarding amounts of coal, duration of contract, and prices will be fixed in due time by the Council of the League of Nations.

Pargr. 38:

It is understood that France and Germany may, by special agreements concluded before the time fixed for the payment of the price for the repurchase of the mines, modify the provisions of paragraphs 36 and 37.

Pargr. 39:

The Council of the League of Nations shall make such provisions as may be necessary for the establishment of the régime which is to take effect after the decisions of the League of Nations mentioned in Paragraph 35 have become operative, including an equitable apportionment of any obligations of the Government of the territory of the Saar Basin arising from loans raised by

the Commission or from other causes. From the coming into force of the new régime, the powers of the Governing Commission will terminate, except in the case provided for in paragraph 35 (a).

Page 50—SILESIA—Article 88:

In the portion of Upper Silesia included within the boundaries described below, the inhabitants will be called upon to indicate by a vote whether they wish to be attached to Germany or to Poland.

* * * * *

The régime under which this plebiscite will be taken and given effect is laid down in the Annex hereto.

The Polish and German Governments hereby respectively bind themselves to conduct no prosecutions on any part of their territory and to take no exceptional proceedings for any political action performed in Upper Silesia during the period of the régime laid down in the Annex hereto and up to the settlement of the final status of the country.

Annex—Section 1:

Within fifteen days from the coming into force of the present Treaty the German troops and such officials as may be designated by the Commission set up under the provisions of paragraph 2, shall evacuate the plebiscite area. Up to the moment of the completion of the evacuation they shall refrain from any form of requisitioning in money or in kind, and from all acts likely to prejudice the material interests of the country.

Within the same period the Workmen's and Soldiers' Councils which have been constituted in this area shall be dissolved. Members of such Councils who are natives of another region and are exercising their functions at the date of the coming into force of the present Treaty, or who have gone out of office since March 1, 1919, shall be evacuated.

All military and semi-military unions formed in the said area by inhabitants of the district shall be immediately disbanded. All members of such military organizations who are not domiciled in the said area shall be required to leave it.

Section 2:

The plebiscite area shall be immediately placed under the authority of an International Commission of four members to be designated by the following Powers: the United States of America, France, the British Empire, and Italy. It shall be

occupied by troops belonging to the Allied and Associated Powers, and the German Government undertakes to give facilities for the transference of these troops to Upper Silesia.

Section 3:

The Commission shall enjoy all the powers exercised by the German or the Prussian Government, except those of legislation or taxation. It shall also be substituted for the Government of the Province and the Regierungsbezirk.

It shall be within the competence of the Commission to interpret the powers hereby conferred upon it and to determine to what extent it shall exercise them, and to what extent they shall be left in the hands of the existing authorities.

Changes in the existing laws and the existing taxation shall only be brought into force with the consent of the Commission.

The Commission will maintain order with the help of the troops which will be at its disposal, and, to the extent which it may deem necessary, by means of gendarmerie recruited among the inhabitants of the country.

The Commission shall provide immediately for the replacement of the evacuated German officials and, if occasion arises, shall itself order the evacuation of such authorities and proceed to the replacement of such local authorities as may be required.

It shall take all steps which it thinks proper to ensure the freedom, fairness, and secrecy of the vote. In particular, it shall have the right to order the expulsion of any person who may in any way have attempted to distort the result of the plebiscite by methods of corruption or intimidation.

The Commission shall have full power to settle all questions arising from the execution of the present clauses. It shall be assisted by technical advisers chosen by it from among the local population. The decisions of the Commission shall be taken by a majority vote.

Section 4:

The vote shall take place at such date as may be determined by the Principal Allied and Associated Powers, but not sooner than six months or later than eighteen months after the establishment of the Commission in the area.

The right to vote shall be given to all persons without distinction of sex who:

(a) Have completed their twentieth year on the 1st January of the year in which the plebiscite takes place.

(b) Were born in the plebiscite area or have been domiciled there since a date to be determined by the Commission, which shall not be subsequent to January 1, 1919, or who have been expelled by the German authorities and have not retained their domicile there.

Persons convicted of political offences shall be enabled to exercise their right of voting.

Every person will vote in the commune where he is domiciled or in which he was born, if he has not retained his domicile in the area.

The result of the vote will be determined by communes according to the majority of votes in each commune.

Section 5:

On the conclusion of the voting, the number of votes cast in each commune will be communicated by the Commission to the Principal Allied and Associated Powers, with a full report as to the taking of the vote and a recommendation as to the line which ought to be adopted as the frontier of Germany in Upper Silesia. In this recommendation regard will be paid to the wishes of the inhabitants as shown by the vote, and to the geographical and economic conditions of the locality.

Page 56—EAST PRUSSIA—Article 94:

In the area between the southern frontier of East Prussia, as described in Article 28 of Part II (Boundaries of Germany) of the present Treaty, and the line described below, the inhabitants will be called upon to indicate by a vote the State to which they wish to belong:

The western and northern boundary of Regierungsbezirk Allenstein to its junction with the boundary between the Kreise of Oletsko and Angerburg; thence, the northern boundary of the Kreis of Oletsko to its junction with the old frontier of East Prussia.

Page 56—Article 95:

The German troops and authorities will be withdrawn from the area defined above within a period not exceeding fifteen days after the coming into force of the present treaty. Until the evacuation is completed they will abstain from all requisitions in money or in kind and from all measures injurious to the economic interests of the country.

On the expiration of the above-mentioned period the said area will be placed under the authority of an International Com-

mission of five members appointed by the Principal Allied and Associated Powers. This Commission will have general powers of administration, and, in particular, will be charged with the duty of arranging for the vote and of taking such measures as it may deem necessary to ensure its freedom, fairness, and secrecy. The Commission will have all necessary authority to decide any questions to which the execution of these provisions may give rise. The Commission will make such arrangements as may be necessary for assistance in the exercise of its functions by officials chosen by itself from the local population. Its decisions will be taken by a majority.

Every person, irrespective of sex, will be entitled to vote who:

(a) Is 20 years of age at the date of the coming into force of the present Treaty, and (b) was born within the area where the vote will take place or has been habitually resident there from a date to be fixed by the Commission.

Every person will vote in the commune where he is habitually resident or, if not habitually resident in the area, in the commune where he was born.

The result of the vote will be determined by communes (Gemeinde) according to the majority of the votes in each commune.

On the conclusion of the voting the number of votes cast in each commune will be communicated by the Commission to the Principal Allied and Associated Powers, with a full report as to the taking of the vote and a recommendation as to the line which ought to be adopted as the boundary of East Prussia in this region. In this recommendation regard will be paid to the wishes of the inhabitants as shown by the vote and to the geographical and economic conditions of the locality. The Principal Allied and Associated Powers will then fix the frontier between East Prussia and Poland in this region.

If the line fixed by the Principal Allied and Associated Powers is such as to exclude from East Prussia any part of the territory defined in Article 94, the renunciation of its rights by Germany in favour of Poland, as provided in Article 87 above, will extend to the territories so excluded.

As soon as the line has been fixed by the Principal Allied and Associated Powers, the authorities administering East Prussia will be notified by the International Commission that they are free to take over the administration of the territory to the north of the line so fixed, which they shall proceed to do within one

month of such notification and in the manner prescribed by the Commission. Within the same period and as prescribed by the Commission, the Polish Government must proceed to take over the administration of the territory to the south of the line. When the administration of the territory by the East Prussian and Polish authorities respectively has been provided for, the powers of the Commission will terminate.

Expenditure by the Commission, whether in the discharge of its own functions or in the administration of the territory, will be borne by the local revenues. East Prussia will be required to bear such proportion of any deficit as may be fixed by the Principal Allied and Associated Powers.

Article 96:

In the area comprising the Kreise of Stuhm and Rosenberg and the portion of the Kreis of Marienburg which is situated east of the Nogat and that of Marienwerder east of the Vistula, the inhabitants will be called upon to indicate by a vote, to be taken in each commune (Gemeinde), whether they desire the various communes situated in this territory to belong to Poland or to East Prussia.

Article 97:

The German troops and authorities will be withdrawn from the area defined in Article 96, within a period not exceeding fifteen days after the coming into force of the present Treaty. Until the evacuation is completed they will abstain from all requisitions in money or in kind and from all measures injurious to the economic interests of the country.

On the expiration of the above-mentioned period, the said area will be placed under the authority of an International Commission of five members appointed by the Principal Allied and Associated Powers. This Commission, supported if occasion arises by the necessary forces, will have general powers of administration and in particular will be charged with the duty of arranging for the vote and of taking such measures as it may deem necessary to ensure its freedom, fairness, and secrecy. The Commission will conform as far as possible to the provisions of the present Treaty relating to the plebiscite in the Allenstein area; its decisions will be taken by a majority.

Page 62—SCHLESWIG—Article 109:

The frontier between Germany and Denmark shall be fixed in conformity with the wishes of the population.

For this purpose, the population inhabiting the territories of the former German Empire situated to the north of a line, fromshall be called upon to pronounce by a vote which will be taken under the following conditions:

(1) Within a period not exceeding ten days from the coming into force of the present Treaty, the German troops and authoritiesshall evacuate the zone lying to the north of the line above fixed.

Within the same period the Workmen's and Soldiers' Council which have been constituted in this zone shall be dissolved; members of such councils who are natives of another region and are exercising their functions at the date of the coming into force of the present Treaty, or who have gone out of office since March 1, 1919, shall also be evacuated.

The said zone shall immediately be placed under the authority of an International Commission, composed of five members, of whom three will be designated by the Principal Allied and Associated Powers; the Norwegian and Swedish Governments will each be requested to designate a member; in the event of their failing to do so, these two members will be chosen by the Principal Allied and Associated Powers.

The Commission, assisted in case of need by the necessary forces, shall have general powers of administration. In particular, it shall at once provide for filling the places of the evacuated German authorities, and if necessary shall itself give orders for their evacuation, and proceed to fill the places of such local authorities as may be required. It shall take all steps which it thinks proper to ensure the freedom, fairness, and secrecy of the vote. It shall be assisted by German and Danish technical advisers chosen by it from among the local population. Its decisions will be taken by a majority.

One-half of the expenses of the Commission and of the expenditure occasioned by the plebiscite shall be paid by Germany.

(2) The right to vote shall be given to all persons, without distinction of sex, who:

(a) Have completed their twentieth year at the date of the coming into force of the present Treaty; and

(b) Were born in the zone in which the plebiscite is taken, or have been domiciled there since a date before January 1, 1900, or had been expelled by the German authorities without having retained their domicile there.

Every person will vote in the commune (Gemeinde) where he is domiciled or of which he is a native.

Military persons, officers, non-commissioned officers and soldiers of the German army, who are natives of the zone of Schleswig in which the plebiscite is taken, shall be given the opportunity to return to their native place in order to take part in the voting there.

(3) In the section of the evacuated zone lying to the north of a line, from East to West (shown by a red line on Map No. 4, which is annexed to the present Treaty): . . . the vote above provided for shall be taken within a period not exceeding three weeks after the evacuation of the country by the German troops and authorities.

The result will be determined by the majority of votes cast in the whole of this section. This result will be immediately communicated by the Commission to the Principal Allied and Associated Powers and proclaimed.

If the vote results in favour of the reincorporation of this territory in the Kingdom of Denmark, the Danish Government in agreement with the Commission will be entitled to effect its occupation with their military and administrative authorities immediately after the proclamation.

(4) In the section of the evacuated zone situated to the south of the preceding section and to the north of the line which starts from the Baltic Sea 13 kilometres from Flensburg and ends north of the islands of Oland and Langeness, the vote will be taken within a period not exceeding five weeks after the plebiscite shall have been held in the first section.

The result will be determined by communes (Gemeinden) in accordance with the majority of the votes cast in each commune, (Gemeinde).

TREATY OF SAINT GERMAIN

Page 209—KLAGENFURT—Article 49:

The inhabitants of the Klagenfurt area will be called upon, to the extent stated below, to indicate by a vote the State to which they wish the territory to belong.

Article 50:

With a view to the organization of a plebiscite, the Klagenfurt area will be divided into two zones, the first to the south and the second to the north of a transversal line of which the following is a description:

The Klagenfurt area will be placed under the control of a Commission entrusted with the duty of preparing the plebiscite in that area and assuring the impartial administration thereof. This Commission will be composed as follows: four members nominated respectively by the United States, Great Britain, France and Italy, one by Austria, one by the Serb-Croat-Slovene State, the Austrian member only taking part in the deliberations of the Commission in regard to the second zone, and the Serb-Croat-Slovene member only taking part therein with regard to the first zone. The decisions of the Commission will be taken by a majority.

The second zone will be occupied by the Austrian troops and administered in accordance with the general regulations of the Austrian legislation.

The first zone will be occupied by the troops of the Serb-Croat-Slovene State and administered in accordance with the general regulations of the legislation of that State.

In both zones the troops, whether Austrian or Serb-Croat-Slovene, shall be reduced to the numbers which the Commission may consider necessary for the preservation of order, and shall carry out their mission under the control of the Commission. These troops shall be replaced as speedily as possible by a police force recruited on the spot.

The Commission will be charged with the duty of arranging for the vote and of taking such measures as it may deem necessary to ensure its freedom, fairness and secrecy.

In the first zone the plebiscite will be held within three months from the coming into force of the present Treaty, at a date fixed by the Commission.

If the vote is in favor of the Serb-Croat-Slovene State, a plebiscite will be held in the second zone within three weeks from the proclamation of the result of the plebiscite in the first zone, at a date to be fixed by the Commission.

If, on the other hand, the vote in the first zone is in favour of Austria, no plebiscite will be held in the second zone, and the whole of the area will remain definitively under Austrian sovereignty.

The right of voting will be granted to every person without distinction of sex who:

(a) Has attained the age of 20 years on or before January 1, 1919;

(b) Has on January 1, 1919, his or her habitual residence within the zone subjected to the plebiscite; and,

(c) Was born within the said zone, or has had his or her habitual residence or rights of citizenship (*pertinenza*) there from a date previous to January 1, 1912.

The result of the vote will be determined by the majority of votes in the whole or each zone.

On the conclusion of each vote the result will be communicated by the Commission to the Principal Allied and Associated Powers, with a full report as to the taking of the vote, and will be proclaimed.

If the vote is in favour of the incorporation either of the first zone or of both zones in the Serb-Croat-Slovene State, Austria hereby renounces, so far as she is concerned and to the extent corresponding to the result of the vote, in favor of the Serb-Croat-Slovene State all rights and title over these territories. After agreement with the Commission the Serb-Croat-Slovene Government may definitively establish its authority over the said territories.

Arbitration Between
Peru and Chile

MAPS

Relative to

THE CASE OF PERU

In the matter of the controversy
arising out of the

QUESTION OF THE PACIFIC

Before the

**President of the United States
of America**

Arbitrator

Under the Protocol and Supplementary Act
between the Republic of Peru and the Republic
of Chile, signed July 20, 1922, at Washington,
D. C., ratified January 15, 1923.

